



Appeal Decision

Site visit made on 14 February 2023

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2023

Appeal Ref: APP/N4720/D/22/3313057

13 Fieldhead Drive, Barwick in Elmet, Leeds LS15 4EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Kirkby against the decision of Leeds City Council.
 - The application Ref 22/01829/FU, dated 9 March 2022, was refused by notice dated 18 November 2022.
 - The development proposed is described as "first floor rear extension".
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Decision

1. The appeal is allowed, and planning permission is granted for first floor rear extension at 13 Fieldhead Drive, Barwick in Elmet, Leeds LS15 4EE in accordance with the terms of the application, Ref 22/01829/FU, dated 9 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg Nos 1 and 2A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are whether the proposal is inappropriate development in the Green Belt and the effect of the proposal on openness.

Reasons

3. Policy N33 of the Leeds Unitary Development Plan 2006 (LUDP) and Policy HDG3 of the Leeds Householder Design Guide Supplementary Planning Document 2012 (SPD) relate to development in the Green Belt. Paragraph 149 of the National Planning Policy Framework (the Framework) states that construction of new buildings in the Green Belt should be regarded as inappropriate, unless the development falls within the exceptions list. This list includes the extension or alteration of a building provided that it does not result in the disproportionate additions over and above the size of the original building.
4. Policy HDG3 states that extensions to dwellings in the Green Belt should represent limited development and in order to be considered as limited development all existing and proposed extensions should not exceed 30% increase over and above the original house volume. The Council calculate that

the volume of the proposed extension including existing extensions would exceed a 30% increase over the volume of the original house. I have no reason to question these calculations therefore the proposal would be contrary to Policy HDG3 as it exceeds 30% increase over and above the original house volume.

5. The proposal would replace an existing balcony area which has an existing floorspace. There is a high screen fence along the side and a metal framework around the balcony. Whilst this does not necessarily indicate a structure with a volume it does have a floorspace which can be used by the occupants of the appeal property. The floorspace of the balcony would be similar to the floorspace of the proposed extension.
6. The proposed extension would be a relatively small addition, with a low roof that would not be prominent within the surrounding area. Given the size of the proposal, the existing floorspace of the balcony and the existing fence screening and metal framework, the proposal would not be a disproportionate addition over and above the size of the original building.
7. Paragraph 149(c) of the Framework does not include any requirement for openness to be assessed. The proposal would not compromise the openness of the Green Belt in this location.
8. Whilst the proposal would be in breach of Policy HDG3 of the SPD for the reasons detailed above, the SPD is not part of the adopted development plan. There would be no material harm to the Green Belt or its openness and the proposal would be a limited extension that would not be a disproportionate addition over and above the size of the original building. The proposal would be in accordance with Policy N33 of the LUDP and paragraph 149(c) of the Framework.

Conditions

9. I have imposed conditions specifying the standard timescale condition and relevant drawings as this provides certainty. In the interests of character and appearance it is necessary for a condition to be imposed relating to materials.

Conclusion

10. The proposal would not conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
11. For the reasons given above, I conclude that the appeal should be allowed.

Chris Baxter

INSPECTOR