



Appeal Decision

Site visit made on 7 March 2023

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2023

Appeal Ref: APP/N4720/D/22/3313902

Bar House, Gelderd Road, Gildersome, Morley, Leeds LS27 7NQ

- 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 L Roberts against the decision of Leeds City Council.
 - The application Ref 22/05526/FU, dated 9 August 2022, was refused by notice dated 4 October 2022.
 - The development proposed is the Demolition of existing conservatory and extension. New double storey side extension with balcony.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- (ii) The effect of the proposal on the openness and the purposes of the Green Belt;
- (iii) The effect of the proposal on the character and appearance of the host dwelling and the area;
- (iv) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. Paragraph 149 of The National Planning Policy Framework (the Framework) states that the construction of new buildings is inappropriate in the Green Belt but it sets out a number of exceptions. This includes at 149c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Saved Policy N33 of the Leeds Unitary Development Plan Review 2006 (UDP) permits the 'limited' extension of existing dwellings as opposed to additions that are not disproportionate, but its aims in this respect are broadly consistent with those of the more recent Framework.

4. There is no definition in either local or national planning policy as to what represents a disproportionate addition over and above the size of the original building. However, the Council's Householder Design Guide 2012 (HDG) sets out at Policy HDG3 that in order to be considered as limited development all existing and proposed extensions should not exceed a thirty percent increase over and above the original house volume. It is further advised in the accompanying policy text that although this figure is not definitive, it will inform the majority of decisions involving Green Belt applications.
5. In terms of the original building, there is a two storey projection from the main body of the dwelling. As both parts are rendered it is not clear whether this outrigger formed part of the original dwelling, although the Council appears to have included it in its calculation of the volume of the original dwelling. It is not suggested by either party that the conservatory that still remains or a single storey extension which has now been removed are parts of the original dwelling. The Council's delegated Officer report sets out that the proposal would result in an approximately 66% volume increase above the volume of the original dwelling. This figure is not disputed by the appellant nor is an alternative volume figure advanced.
6. The appellant's Statement of Case does however put forward that there would be a floorspace increase of only approximately 9.2%, with the proposed site plan drawing alternatively putting the figure at an 11% increase. This however is relative to the floorspace of the original dwelling and the previous extension/conservatory combined and does not refer solely to the original dwelling. Accordingly, the floorspace increase over just that of the original dwelling would be much greater. They also consider that the proposal would result in a change to the footprint of the dwelling to a uniform rectangular footprint, although as noted above, now that the previous extension has been demolished this has already resulted in a more regular footprint than previously existed.
7. When compared to the size of the original building, the proposed development would be a substantially sized addition in terms of its volume, its footprint and its overall dimensions. It would for these reasons be a disproportionate addition over and above the size of the original building and accordingly would be inappropriate development in the Green Belt. Whilst the percentage figure set out in Policy HDG3 of the HDG can be applied flexibly as the appellant points out, this does not alter my overall conclusion that the proposal would be a disproportionate addition.

Openness and the purposes of the Green Belt

8. A fundamental aim of Green Belt policy, as set out by the Framework, is to prevent urban sprawl by keeping land permanently open. Openness is, in effect, the absence of development and it has both a spatial and visual aspect to it. The Framework further sets out at paragraph 138 that the Green Belt serves five purposes.
9. The proposed development would have an impact on visual openness, in particular as it would extend the dwelling at first floor level. This assessment is unaffected by the fact that there is a large land area associated with the appeal dwelling. Whilst the proposal would have roughly the same footprint as the previous extension and conservatory, the previous extension has now been removed. Development in this area would therefore have an impact on spatial

openness and result in a degree of urban sprawl and encroachment into the countryside, in comparison to what exists at the present time.

10. For these reasons and on consideration of the scale of what is proposed, I conclude that there would be moderate harm to the openness and to the purposes of the Green Belt.

Character and appearance of the host dwelling and the area

11. The accompanying text to Policy HDG1 of the HDG states that in most circumstances extensions should be subordinate. Reason for refusal 2 specifically refers to there being an absence of a set back or set down from the ridge in this instance.
12. However, due to its positioning and orientation in relation to the public highway, the proposed two storey extension would take place to the rear most part of the building relative to Gelderd Road. It would be visible from the highway but would not be overly prominent in such views. There are no concerns in this instance relating to terracing between properties and as render would be used there would not be any notable join between old and new materials. Furthermore, the proposal would not extend beyond 50% of the width of the existing elevation.
13. In such circumstances there is no design necessity or merit in setting the proposed extension either back from the elevation of the existing dwelling or down from its ridge. In the form it is proposed it would not result in harm to the character and appearance of the host dwelling or the area. Consequently, the proposed development would accord with Policy P10 of the Leeds Core Strategy 2019 (CS) and Saved Policies GP5 and BD6 of the UDP, where they collectively seek to safeguard character and appearance. There would also be no conflict with the aims of the HDG or The Framework in the same respect.

Other Considerations

14. The appellant refers to the previous extension and conservatory as being unsightly and that the proposed development would bring about their removal. However, as the extension has already been demolished its removal is no longer dependant on the appeal succeeding. The positioning of the conservatory means it is largely concealed from public view by the existing dwelling and its outrigger, so there would not be any great visual benefit in its removal.
15. The proposed development would result in a greater volume and general size increase over that of the original dwelling than was the case with the previous extension and the conservatory. Therefore, whilst I do acknowledge that there have been additions to the original dwelling made in the past, the impact of those was notably lesser than what is now proposed, including in terms of the harm that resulted to the visual openness of the Green Belt.
16. Taken as a whole, and even if the benefits arising from the removal of the previous extension were considered along with those from the removal of the conservatory and the fact that the resultant dwelling would be more rectangular in shape than before, these are considerations that offer only limited weight in support of the proposed development.

Conclusion

17. The Framework at Paragraphs 147 and 148 establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
18. The proposal would be inappropriate development in the Green Belt and would result in moderate harm to its openness and to the purposes of the Green Belt. Although I have found the proposal acceptable with respect to the impact on character and appearance, an absence of harm is a neutral consideration in the planning balance. Having regard to the reasons I have set out, I find that the other considerations that have been advanced in this case would not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.
19. For the reasons given above, I conclude that the proposal conflicts with Saved Policy N33 of the UDP and with the objectives of the Framework where they seek to protect the Green Belt. Therefore, the appeal should be dismissed.

Graham Wraight

INSPECTOR