
Appeal Decision

Site visit made on 2 May 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2023

Appeal Ref: APP/N4720/D/23/3317047

Windrush, Acacia Park Crescent, Rawdon, Leeds BD10 0PJ

- 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 D Besau against the decision of Leeds City Council.
 - The application Ref 22/07709/FU, dated 16 November 2022, was refused by notice dated 9 February 2023.
 - The development proposed is Removal of Existing Above Ground Swimming Pool and Replacement with Oak Framed Open Car Port at the Lower level.
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Decision

1. The appeal is allowed. Planning permission is granted for Removal of Existing Above Ground Swimming Pool and Replacement with Oak Framed Open Car Port at the Lower level at Windrush, Acacia Park Crescent, Rawdon, Leeds BD10 0PJ in accordance with the terms of the application Ref 22/07709/FU dated 16 November 2022 subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Floor Plans as Proposed REV 0, Proposed 2 Bay Garage Elevations & Site Block Plan REV A.

Procedural Matters

2. Policy N33 of the Leeds Unitary Development Plan Review (2006) (UDP) seeks to protect the Leeds Green Belt. In that respect it's aims are broadly consistent with the Framework and therefore should be afforded some weight. It outlines that only certain types of development would be acceptable within the Green Belt except in very special circumstances. One of those types of development is the limited extension of existing dwellings.
3. The SPD¹ at HDG3 advises that 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. However, the supporting text indicates that this figure is not definitive. This indicates that there could be some flexibility within that figure under some circumstances.
4. The UDP is not completely in accordance with the Framework² and I also need to afford weight to the Framework. It advises that the construction of new

¹ Householder Design Guide Leeds Local Development Framework Supplementary Planning Document April 2012.

² National Planning Policy Framework 2021.

buildings in the Green Belt should be regarded as inappropriate. An exception at para. 149 c) details 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. I consider it reasonable that the car port could be considered as an extension in part given its close relationship and clear ancillary purpose to the main dwelling.

5. At the time of my site visit the swimming pool had been removed. For the avoidance of doubt, I have considered the proposal based on the plans.

Main Issues

6. The main issues are:

- i. whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
- ii. the effect of the proposal on the character and appearance of the Rawdon Cragg Wood Conservation Area (the Conservation Area).

Reasons

Green Belt

7. The evidence indicates that the existing dwelling has been previously extended, possibly to the side and rear, although the extent of the previous extensions or additional volume that has been added is not clear within the evidence. It is possible that the thirty percent increase over and above the original house volume has already been provided.
8. However, the supporting text within the SPD indicates that this figure is not definitive. In keeping with the area, it would not be unreasonable to assume that the original dwelling formed a substantial residence.
9. The proposal relates to a reasonably modest and sensibly sized open fronted car port which could host at most two vehicles, which would be located close to and set down beneath the large dwelling which is set on a very large plot.
10. The proposal could therefore, taking account of the site specific circumstances, be regarded as a limited extension which would not form a disproportionate addition over and above the size of the original building. The development is not therefore inappropriate development within the Green Belt.
11. There would subsequently be no conflict with Policy N33 of the UDP and the SPD given the apparent flexibility afforded when assessing such additions. I have not identified conflict with the Framework.

Conservation Area

12. The significance of this part of the Conservation Area sits largely with its limited density and verdant appearance as a result of the large, well-spaced dwellings and extensive planting. It also sits with the scale and materials of its well-established buildings.
13. The car port would be positioned close to and set beneath the dwelling, such that from most viewpoints it would be viewed in close association with that larger building. The existing large garden area which offers a verdant and open

character at the site would still be dominant when viewed from the corner of Acacia Park Drive and Acacia Park Crescent.

14. Whilst it is the case that stone is the most commonly used material within the area, it is not the only material in use and I noted that timber elements have been used which are visible from public areas on both closely nearby dwellings and garages. The use of timber within the car port which would very much form a secondary and set down structure on the site would not therefore be out of keeping with the materiality that is evident within the area.
15. I therefore conclude that the development of the site in the manner proposed would not detract from the heritage significance of the Conservation Area. Subsequently, the proposal would preserve the character and appearance of the Conservation Area.
16. There would be no conflict with Policies P10 and P11 of the Leeds Core Strategy (2019) nor saved Policies GP5, N19 and BD6 of the UDP. Amongst other things, these policies require proposals of good design, where the historic environment will be conserved and enhanced. I have not identified conflict with the SPD at HDG1.

Conditions

17. In addition to the standard three-year time limit for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty. These are the conditions suggested by the Council.

Planning balance and conclusion

18. Having considered the development plan and the provisions of the Framework, I therefore conclude that the appeal should be allowed.

T J Burnham

INSPECTOR