



Appeal Decision

Site visit made on 17 October 2023

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2023

Appeal Ref: APP/N4720/D/23/3325278

The Grange, 308 Leeds Road, Lofthouse, Wakefield WF3 3QQ

- 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 Charles Offord against the decision of Leeds City Council.
 - The application Ref 23/01994/FU, dated 28 March 2023, was refused by notice dated 6 June 2023.
 - The development proposed is a 2 storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the host property and the area; and
 - if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development in the Green Belt

3. The appeal property is a large two-storey detached house on the edge of a settlement and is identified as being in the Green Belt.
4. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate, other than for several exceptions. One such exception is an extension to an existing building if it does not represent a disproportionate addition over and above the original building.
5. Saved Policy N33 of the Leeds Unitary Development Plan (Review 2006) (UDP) refers to exceptions to the presumption against development in the Green Belt, including limited extensions to existing dwellings, but these are not as extensive as those within the Framework. Consequently, the UDP is not fully consistent with it, and I therefore afford the UDP limited weight in this regard.

6. The Framework does not define what constitutes a disproportionate addition. However, principle HDG3 of the Council's Householder Design Guide Supplementary Planning Document 2012 (SPD) advises that to be considered as limited development, all existing and proposed extensions should not exceed a 30% increase over and above the original house volume. It adds that although the 30% figure is not definitive it will inform the majority of decisions involving Green Belt applications.
7. Taking into account the size of the proposal together with the previous extension to the property, a detached garage block, the appellant confirms that there would be an increase in volume of approximately 62% over and above the volume of the original house. Although a mathematical calculation is not the only factor that can affect whether an extension would be disproportionate, based on the evidence before me and my observations on site, it is clear that the proposal would contribute to a substantial increase of built development on the site in terms of volume and external dimensions. It would represent a disproportionate increase in the size of the original building and would not meet the exception criteria in paragraph 149c of the Framework.
8. Therefore, the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would fail to comply with Policy N33 of the UDP and would be contrary to guidance in the SPD.

Openness

9. As set out in paragraph 137 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics thereof being its openness and permanence. Openness has both visual and spatial aspects.
10. The proposed two storey extension and glazed link would project towards the side boundary. While it would replace a smaller previous extension, it would significantly increase the footprint and volume of the host building. In doing so, the proposal would result in a harmful reduction in openness. Whilst the visual effects of the proposal would be moderated to a degree by the presence of mature trees and vegetation along the boundaries of the site, the proposal would result in an overall greater volume and spread of development on the site that, because of its height, would be glimpsed from open countryside at a lower ground level beyond the rear garden to the north. It would thereby give rise to a loss of both spatial and visual openness.
11. The harm to openness arising from the proposal in the context of the surrounding form of development in the area would be moderate. Nonetheless, the Framework requires that substantial weight is given to that harm to the Green Belt.

Character and appearance

12. The large stone house contains traditional features such as an off-set bay with decorative stone parapet, 4 substantial stone chimneys, stone corbels and mullion windows and is set within a substantial-sized plot. These attributes contribute to the positive character and appearance of the house.
13. The proposed extension would be set back from the front elevation of the house and the ground floor level would be slightly lower. It would be finished in materials that would match the house and would be linked to it by a single

storey glazed structure. Nevertheless, the excessive depth and height of the proposal would appear bulky, over-dominant and incongruous. This would be further exacerbated by the design of the extension which would introduce a gable roof and glazing to the eaves. This would be starkly at odds with the hipped roof of the host building and would fail to respect the rhythm and proportions of existing fenestration. The glazed link between the proposed two storey extension and the side elevation of the host property would not alleviate the harmful impact.

14. Due to mature vegetation along the boundaries fronting Leeds Road and the track to the east of the appeal site, the proposal would not be overly visible from these aspects. In any event, it would be seen in the context of the houses to the north and west and would therefore not be harmful to the character and appearance of the immediate street scene. However, for the reasons given above, I conclude that the proposal would have a significantly harmful effect on the character and appearance of the host property.
15. Consequently, the proposal would conflict with Policy P10 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) (CS) and saved Policies GP5 and BD6 of the UDP. Together, these policies seek development that is, amongst other things, of good design that respects the scale, form, detailing and materials of the original building. The proposal would also conflict with the design aims of principle HDG1 of the SPD and paragraph 130 of the Framework.

Other considerations

16. Paragraph 148 of the Framework states 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
17. Two lawful development certificates (LDC) have been issued in respect of potential extensions to the property¹. As the appellant has recently demolished a previous extension to the house and made the effort to obtain such certificates, which would provide a similar type of accommodation required by the appellant, it is evident that the appellant wishes to extend and alter the existing property. If I was minded to dismiss the appeal, I am satisfied that there is a reasonable likelihood that such developments would be implemented and can therefore be considered realistic fallback positions.
18. For significant weight to be afforded to a fallback position, there needs not only to be a reasonable prospect of it being carried out, but it would also need to be more harmful than what would be allowed by the scheme for which permission is sought. As a result, an element of planning judgement is also involved in that assessment process.
19. The hip to roof alteration, rear dormer and single storey extension fallback scheme would result in a bulky roof form. However, the roof alterations would be contained within the footprint of the existing house and not extend the overall height of the building. The single storey extension would extend from the west gable elevation of the house and would be flanked to the north by the detached garage and a stone wall that connects the garage with the house and

¹ LPA Refs: 22/07914/CLP and 22/07916/DHH

to the west by existing residential development close to the boundary of the appeal site.

20. The appeal scheme would be compact in so far as it would be one block of built form on the site. Because the first-floor element of the appeal scheme would extend significantly towards open countryside, albeit partially screened by vegetation, the overall massing associated with the appeal scheme would have a greater adverse impact on spatial and visual openness than the fallback scheme. Nonetheless, in terms of character and appearance, the hip to gable and rear dormer elements of the fallback scheme would alter the composition of the original roof which would harm the original character and appearance of the property. I therefore afford moderate weight to this fallback position.
21. The rear single storey fallback scheme would introduce a significant rearward extension to the house. Due to its single storey height, simple design that does not compete with the host dwelling, and compact form that does not extend beyond the garage, it would not have a greater impact on the openness of the Green Belt or character and appearance of the host property than the appeal proposal. Accordingly, this fallback position attracts limited weight.
22. It would be physically possible that both LDC schemes could be implemented, although less likely to occur given that the implementation of each individual LDC would provide accommodation to meet the appellant's needs. Nevertheless, I have no evidence to doubt that both schemes would not be implemented. Cumulatively, the resulting development would add a significant volume and footprint of built form to the site, mathematically more than the appeal proposal. However, even if both schemes were implemented, for the reasons given above, the resultant development would be less harmful than the appeal proposal to the spatial and visual dimensions of the openness of the Green Belt. It would, as set out above, have a harmful effect on the character and appearance of the host property to which I have afforded moderate weight.
23. It would also be possible that one or both LDC schemes and the appeal proposal could be implemented. This resulting development would significantly exacerbate the identified harm arising from the appeal proposal in respect of the Green Belt as well as character and appearance, and in effect would negate the consideration of the fallback scheme in support of the appeal.
24. The appellant has also referred to further possible fallback positions that have not been secured by specific permissions but could be constructed using permitted development rights². The use of permitted development rights would have the potential to result in considerable amount of built development within the garden of the existing house or attached to it. Depending on the position of such buildings, this would have the potential to result in a greater reduction in spatial and visual openness within the appeal site in comparison to the appeal scheme. Be that as it may, there is little evidence before me to support this claim. Therefore, I cannot be sure that other fallback positions would have a greater than theoretical possibility of being implemented in order to be a realistic or probable alternative or that they would be more harmful than the proposal before me. This option therefore attracts very little weight.

² Town and Country Planning (General Permitted Development) (England) Order 2015

25. For the above reasons, the overall fallback position is, therefore, a material consideration of moderate weight in the overall Green Belt balance.
26. My attention has been drawn by the appellant to two appeal decisions³ in relation to fallback, although I have only been given the full reference for one of these. I have not been provided with the plans or the background of these individual examples to be able to make a robust comparison with the appeal proposal. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.
27. I appreciate that the appellants seek to secure a larger dwelling to meet their needs. Nonetheless, this benefit is largely a private matter, and the fallback schemes would deliver a similar aim. As such, this factor is afforded little weight.
28. I have had regard to the appellant's statement which advises there would be no harm to the living conditions of occupiers of neighbouring properties nor are there any objections in relation to highways, trees, ecology or drainage. However, these matters are not in dispute and a lack of harm is not a benefit and weighs neither against nor in favour of the proposal.

Planning Balance and Conclusion

29. I have identified that the proposal would harm the Green Belt by way of inappropriateness and loss of openness. The Framework requires substantial weight be given to any harm to the Green Belt. The proposal would also be harmful to the character and appearance of the host property.
30. Having taken account of all considerations raised in support of the proposal, I find that, in this case, they do not clearly outweigh the harm that I have identified. As such, other considerations amounting to very special circumstances sufficient to outweigh the harm to the Green Belt do not exist.
31. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that indicate otherwise.
32. Therefore, I conclude that the appeal is dismissed.

A Veevers

INSPECTOR

³ Appeal Ref: APP/N4720D/17/3169282