



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: 14 November 2023

Appeal Ref: APP/N4720/D/23/3324390

Bar House Farm, Kiddal Lane, Barwick in Elmet, Leeds LS15 4NW

- 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 Connolly against the decision of Leeds City Council.
 - The application Ref 23/01145/FU, dated 14 February 2023, was refused by notice dated 12 May 2023.
 - The development proposed is the installation of a glass link-way following removal of existing conservatory and porch.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a glass link-way following removal of existing conservatory and porch at Bar House Farm, Kiddal Lane, Barwick in Elmet, Leeds LS15 4NW in accordance with the terms of the application, Ref 23/01145/FU, dated 14 February 2023, 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: Plan Ref:TQRQM23045182505336 (Location Plan); Plan Ref:DD-MM-2019 Version 1.00 (Existing floor plans and elevations) and Plan Ref: 04-05-2023 Version 1.10 (Proposed plans (amended) floor plans and elevations)
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Orders revoking or re-enacting that Order with or without modification) no development that would otherwise be permitted by Classes A or E of Part 1 of Schedule 2 of that Order shall be carried out.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that on the decision notice, no confirmation that a change was agreed has been provided.
3. During the course of the application the scheme was amended to reduce the height of the proposal. The Council determined the proposal on the basis of the amended plans as I have.
4. The Council have referred to Policy GB9 of Appendix 5 to Volume 2 of the Leeds Unitary Development Plan (Review 2006) (UDP) in their reason for refusal. As this policy relates to replacement dwellings in the Green Belt, which is not the

case in this appeal. I do not consider it determinative in my consideration of the appeal.

Main Issues

5. The main issues are:

- 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;
- The effect of the development on the openness of the Green Belt; and
- If the development is inappropriate, 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

6. 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, at paragraph 149 (c) is an extension to an existing building if it does not represent a disproportionate addition over and above the size of the original building.
7. Whilst adopted some time ago, the aims of saved Policy N33 of the UDP are broadly consistent with the approach towards development in the Green Belt as the Framework. However, the list of exceptions, including limited extensions to existing dwellings rather than buildings, are not as extensive as those within the Framework. Consequently, the UDP is not fully consistent with it, and I therefore attach more weight to the more recent wording of the Framework.
8. 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.
9. In this instance, the host dwelling has been extended in the past, notably through a two-storey extension. The Council contends that the original building has already been disproportionately extended by approximately 40%. In purely mathematical terms this increase is disproportionate. However, the SPD states that although the 30% figure will inform the majority of decisions involving Green Belt applications, it is not definitive. The SPD goes on to advise that 'it may be possible to improve the viability of a proposal by demolishing existing outbuildings and extensions, although this will not allow extensions of a harmful nature to be approved'.
10. The proposal would replace an existing conservatory and porch with a proposed glazed structure that would link the house to a detached outbuilding. It would create an additional net floorspace increase of approximately 4 square metres but there would be a net reduction in volume of approximately 1 cubic metre. Consequently, the degree of change, in terms of floorspace and volume, as a result of the proposal would be very limited. However, when determining whether or not a proposal would be a disproportionate addition, it is also

important to consider the visual increase in the size of the original building, taking into account the nature of the site and the proposal. That there was historically a building in the location of the proposed extension is not relevant as that building is no longer in situ.

11. The existing stone porch is discretely located against two flank two-storey walls and the existing conservatory does not project beyond the built limits of the outbuilding. Nevertheless, even though the proposed glazed link would fill a gap between buildings, it would appear subservient and would integrate well with the existing building, particularly as it would be a low and lightweight structure. Indeed, the Council had no objection to the proposal in design terms, stating that it would not compete with the proportions of the existing dwellinghouse.
12. In considering paragraph 149 (c) of the Framework, when discounting the existing conservatory and porch but taken cumulatively with other previous extensions, including the small timber shed adjacent to the stone outbuilding, the proposed glazed link would result in additional floorspace. Nevertheless, the height, bulk, form and massing, and therefore the volume and external dimensions of the total extensions, would not result in disproportionate additions over and above the size of the original building. This is based on the specific site circumstances, context and works proposed for this appeal only, and any other future works at this, or other properties would be required to be assessed on their own individual merits.
13. I therefore conclude that the proposal would meet the exception set out at paragraph 149 (c) of the Framework and would not amount to inappropriate development in the Green Belt. The proposal would comply with Policy N33 of the UDP and the SPD given the apparent flexibility afforded when assessing such additions.
14. As the proposal is not inappropriate development, there is no need for the appellant to demonstrate that very special circumstances exist or for me to go on to consider the effect of the proposed development on the openness or purposes of the Green Belt.

Conditions

15. I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the Framework and the Planning Practice Guidance (PPG)¹ in terms of the use of planning conditions. Condition 1 is a statutory requirement and Condition 2 is necessary in the interests of certainty and to safeguard the Green Belt and character and appearance of the appeal site.
16. The Council has also requested a condition removing certain permitted development rights and the appellant has had the opportunity to review the proposed condition. There is a presumption against the restriction of national permitted development rights in the Framework, and a warning in the PPG that such conditions may not pass the tests of reasonableness or necessity.
17. The appeal property includes an extensive amount of garden and is located in open countryside in the Green Belt. The use of permitted development rights would have the potential to result in a considerable amount of built development within the garden of the existing house or attached to it. Given

¹ PPG Paragraph: 003 Reference ID: 21a-003-20190723; revision date: 23 07 2019

the particular circumstances of this proposal, including that existing extensions would be removed as part of the proposal, I am satisfied that there is a clear justification for the removal of some permitted development rights in this case, and that the condition would be reasonable and necessary, with the exception of development relating to roof alterations which would have a limited effect on the host building and area.

Conclusion

18. For the reasons set out above, the proposal would not be inappropriate development in the Green Belt. Having regard to the development plan, the approach in the Framework, and all relevant material considerations, I conclude that the appeal is allowed.

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INSPECTOR