



Appeal Decision

Site visit made on 5 March 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th March 2024

Appeal Ref: APP/N4720/D/24/3336650

Steads Yard, Roker Lane, Pudsey, Leeds LS28 9NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Lynne Pearson against the decision of Leeds City Council.
 - The application Ref is 23/05185/FU.
 - The development proposed is a 1st floor side extension.
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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 National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - (ii) The effect of the proposal on the openness of the Green Belt.
 - (iii) 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 154 of 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 154c) 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.

5. Previously, a two-storey side extension and conservatory to the west and a single storey side extension to the east have been constructed. It is not disputed by the appellant that these are likely to have exceeded a thirty percent volume increase over that of the original dwelling. Whilst the HDG does state that the thirty percent figure is not definitive, with the additions encompassing a two storey extension and single storey extensions to both sides, it is highly likely that the increase in the size of the dwelling has been significant. Such a conclusion appears to be consistent with the figures that were quoted in relation to a 2010 scheme that was dismissed on appeal.
6. The addition of the proposed extension would further compound the significant increase in the volume of the dwelling that has already taken place. It would, when taken cumulatively with those previous extensions, not be a limited extension to the building. It would also when considered cumulatively represent a disproportionate addition over and above the size of the original building. Consequently, the proposal would not fall into any of the exceptions listed in Saved Policy N33 of the UDP or paragraph 154 of the Framework, and it would be inappropriate development in the Green Belt.

Openness

7. 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.
8. The appeal site will be partially screened from some public views by trees along the boundary with Roker Lane, when those trees are in leaf. There is also screening provided due to the proximity of existing agricultural/stable buildings to the rear and side of the dwelling. However, the proposed development would still be visible in views taken from the higher parts of Roker Lane and through the trees when they are not in leaf. It would also be clearly visible in views taken closer to the front elevation of the dwelling itself.
9. The proposal would lift the ridge height of the existing side extension and add to its bulk, in particular in terms of its front and side elevations. This increase in size and bulk would cause harm to visual openness, albeit there would be only limited harm caused owing to its modest overall scale. Due to its location above the existing side extension, there would not be any adverse impact in a spatial sense, but this does not overcome the visual impact that would occur.
10. If considered cumulatively as a disproportionate extension, the impact on openness would be substantially greater. This would extend to impacting on both visual and spatial openness by virtue of the size increase above that of the original dwelling. Therefore, in conclusion, whether considered individually or cumulatively there would be harm to Green Belt openness, contrary to the specific guidance within the Framework.

Other considerations

11. The appearance of the extension is not objectionable, and it would sit well in design terms as a subservient addition to the existing dwelling. However, the absence of harm to the character and appearance of the dwelling and to the surrounding area is a neutral consideration.

12. Whilst the appellant has drawn my attention to Policy GB8 of the UDP, it would appear from the details provided by the Council that this is not a 'saved' policy and therefore does not form part of the adopted development plan. But even if the criteria of that policy were met, the conflict with other local and national Green Belt policies that I have identified would remain.

Conclusion

13. The Framework at Paragraphs 152 and 153 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.
14. The proposal would be inappropriate development in the Green Belt and would result in harm to its visual openness. The other considerations put forward in this case do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.
15. 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