



Appeal Decision

Site visit made on 27 February 2024

by **Andrew McCormack BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 March 2024

Appeal Ref: APP/N4720/W/23/3332102

4 Main Street, Allerton Bywater, Castleford WF10 2DL

- 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 Mark Jones against the decision of Leeds City Council.
 - The application Ref 23/04896/FU, dated 8 August 2023, was refused by notice dated 11 October 2023.
 - The development proposed is raising of the roof and extension into roof space of the existing annex building with erection of two dormer windows to form additional living space.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. On 19 December 2023, the Government published a revised National Planning Policy Framework (the Framework). Accordingly, I have determined this appeal in relation to that most recently revised document. However, in my assessment, the revised Framework does not result in any substantive changes to any relevant policy within it that relates to the specific issues in dispute in this appeal.

Main Issues

3. The main issues are:
 - i) whether the proposal would be acceptable in principle, with regard to the proposed level of accommodation being appropriate for an annex, and whether it would result in a separate residential unit capable of sustaining fully independent living; and
 - ii) the effect of the proposal on the character and appearance of the annex building and its surrounding area, with particular regard to the character and openness of the adjacent Green Belt and whether it would be inappropriate development.

Reasons

4. The appeal relates to a detached brick outbuilding within the residential curtilage of 4 Main Street which is currently in subsidiary use to the main property. The building is located to the south-west of 2 Main Street which has previously been in commercial use but at the time of my visit was not in use. The building is also about 17 metres to the west of the residential curtilage of 6 Main Street. The land beyond the south-west and north-west boundaries of the appeal property is denoted as Green Belt and Wash-lands within the Leeds Unitary Development Plan (UDP) Review.

Whether the proposed development is acceptable in principle

5. Amongst other matters, policy P10 of the Leeds Core Strategy (as amended) states that proposals will be supported where they accord with a set of key principles which includes where the size, scale, design and layout of the development is appropriate to its context. Saved policy GP5 of the Leeds UDP Review is clear that proposals should have regard to the guidance contained within any framework or planning brief prepared for the site or area. The Leeds Householder Design Guide (HDG) provides a definition of an annex which includes that it must be of a scale that reflects its subsidiary function to its main property.
6. The proposal seeks to convert what is currently a detached, single-storey annex into a 1.5 storey building, with first floor dormer windows to the southern elevation. Though the works would not result in a particularly substantial increase in the overall size of the building, the level of accommodation provided would significantly increase. Such an increase in the scale of the accommodation would be disproportionate to the requirements of an annex which, as the HDG defines, should be subsidiary to its main property.
7. The appeal building, with the proposed scheme, could still function as an annex. However, in my judgement, the accommodation proposed would exceed a reasonable consideration of what would be appropriate to provide ancillary or subsidiary use in relation to the main property. The room sizes of the proposal, including the proposed living room, separate kitchen, office and two bedrooms with a bathroom would represent a level of accommodation that would, in effect, create self-contained living accommodation comparable to that of a new dwelling. As such, it would not accord with the HDG's definition of an annex.
8. Furthermore, the inclusion of an office, along with the level of proposed accommodation, including a bathroom that, upon inspection on site, appeared larger than the proposed plans have shown - a 'WC' only - provides a further indication to me that the proposal would result in a self-contained dwelling. Whilst it is understandable, in terms of the need for homeworking by the appellant's family, to have a home office within the annex building, this creates the potential for the office to be used as a bedroom, albeit a small one. As a result, there would be the possibility to form a three bedroomed, self-contained residential unit. Therefore, in this case, I find the proposed scale of development to be excessive for the requirements of an annex serving its intended ancillary and subsidiary function to the main property.
9. The submitted information from the appellant states that only one additional bedroom is required in terms of the additional accommodation proposed. If this is the case, from what I have seen there is nothing to prevent the existing floor plan of the annex being retained and the additional bedroom being accommodated within the current office of the annex. I appreciate the appellant's case that returning the office space to a bedroom is no longer practical given the need to now work from home. However, this does not justify the significant increase in accommodation proposed.
10. There is no intrinsic link between the annex and the main property. During my visit, I assessed the route between the two buildings and found it to be obstructed by a gate separating the main dwelling and annex. Furthermore, the annex is located about 15 metres from the main property. As such, a clear link or connection was not easily apparent.
11. Pedestrian access from the front of the main property to the annex is gained via a side passageway, through the rear garden and then through the large gate. The main property and annex occupy an 'L' shaped plot which results not only in the annex being located a significant distance from the main property but also not directly to the rear of it. Instead, the annex is positioned to the rear of the neighbouring property (No.2 Main Street). Vehicle access to the annex is gained through the gated driveway to the north-west of the main property which is on the other side of the intervening commercial property at No.2 that is currently not in use. This access also serves the main property, providing off-street parking and access to the rear. However, this appears entirely separate to the main property and provides no clear visual or physical

connection to it or indeed between the two buildings. Accordingly, I find there to be no clear intrinsic physical, visual or practical link between the two buildings.

12. Having carefully considered and assessed the above, I conclude that the proposal would result in the appeal building becoming a self-contained and separate residential unit capable of sustaining fully independent living. It would create a level of accommodation that would be excessive and inappropriate in terms of its subsidiary role as an annex. This, therefore, results in the proposal being unacceptable in principle.
13. Consequently, for these reasons, the proposal would be contrary to the guidance and definition contained within the HDG, policy P10 of the Leeds Core Strategy (as amended) and saved policy GP5 of the Leeds UDP Review.

Character and appearance

14. The Framework emphasises the need for good design. Policy P10 of the Leeds Core Strategy (as amended) and saved policy GP5 in the Leeds UDP Review, amongst other matters, seek to ensure development is appropriate in its context, respects the character and quality of its surroundings and protects visual amenity. Furthermore, saved UDP policy BD6 states that alterations and extensions to buildings should respect the scale, form, detailing and materials of the original building. Further advice regarding good design is also found and expanded upon in policy HDG1 within the HDG.
15. The proposal raises visual amenity concerns in relation to its principal (front) elevation being dominant and oppressive in its appearance. This is due to the predominance of solid brick to the proposed north and west elevations and an increase in roof ridge height. The increase in height and installation of two dormer windows to the southern elevation of the building are also of concern and are considered unacceptable due to the adverse impact that this would have on the character and openness of the adjacent Green Belt.
16. The appellant states that the impact on visual amenity and on the character of the locality would be minimal as there is little to view of the annex from the nearby public highway. Whilst this limited visibility of the annex is accepted in relation to the section of Main Street immediately adjacent to the main property and its neighbouring properties, I note that as one travels from further north-west along Leeds Road, approaching Main Street, the annex is clearly in view for about 350-400 metres up to the point of reaching the mini roundabout near the appeal property. The appeal building is set back from the public highway but due to the openness of the adjacent landscape, it remains visible from Leeds Road. As a result, on completion of the proposal, with the building size and scale increased, it would appear as a more prominent built feature in the locality and would not be of a scale or form that would reflect its subsidiary use as an annex.
17. The appellant says that increasing the height of the building by just over one metre is not unreasonable nor is it a significant increase and it would not be as noticeable in the wider area as the Council has described. The proposal would raise the height of the buildings' roof ridge by approximately 1.6 metres. In my judgement, this would significantly alter the appearance of the building. Its increase in scale and form would transform the annex into a more substantial building and this would have an adverse impact on visual amenity in the area when viewed from the north-west along Leeds Road. Although the treatment of the roof, which would be the predominant feature of the building from that direction, would match existing roof materials, the increase in height and steeper angle of the roof slope would increase its visibility from the highway, creating a dominant appearance.
18. Furthermore, when viewed from Leeds Road and the north-west, due to the largely solid brick north and west elevations proposed, in addition to the increase in roof height, the proposal would have a significant blank appearance. As a result, there would be a noticeable disproportionate solid to void ratio which would be visually dominant and oppressive not only in the immediate area to the north of the building but also within the wider locality. This would have a significant harmful impact on the character, appearance and visual amenity of the building and the

surrounding area. It is noted that the footprint of the building would not change. However, the increased height, scale and massing proposed, particularly when viewed from the public highway would result in the significant material harm identified.

19. The appeal site is adjacent to, but not within, the Green Belt and land designated as washlands within the Leeds UDP Review. Proposals located adjacent to the Green Belt are not subject to the same policy restrictions as developments that are within the Green Belt. Nonetheless, such proposals can be considered to affect the openness of the Green Belt setting. Accordingly, consideration has been given to the impact of the proposal in this regard and, in this case, due to the proximity of the proposal to the Green Belt, an assessment has been made relating to the increase in height of the appeal building and the installation of dormer windows facing the adjacent Green Belt and wash-lands.
20. The appellant says there is precedent for two-storey extensions close to, and indeed within metres of, the Green Belt in the local area. I have observed on site and had regard to these examples referenced by the appellant. It has been noted that nearby properties have been significantly extended and overlook the Green Belt and, as such, stand out visually more prominently in the local area than the proposal would. Nonetheless, I must determine the impact of the appeal proposal on its own merits and circumstances.
21. Given the proximity of the appeal building to the Green Belt boundary, the proposal would clearly have an impact visually and physically on the character and openness of the setting of the Green Belt. The increase in scale and massing of the building would inevitably result in an adverse effect on the openness of the Green Belt setting. The scale and massing of the properties to the west of the annex (Nos 2 and 4 Main Street in particular) provide some context and backdrop for the proposal in terms of mitigating its impact on openness. Nonetheless, the proposal would be clearly visible and prominent in surrounding views, including from within the Green Belt. As a result, I find that openness would clearly be harmed.
22. The Framework states that any harm to the Green Belt should be given substantial weight. Whilst the scheme lies outside the Green Belt, it would have a significant harmful effect on the character and openness of the Green Belt setting and therefore the Green Belt. Given the disproportionate addition to the building proposed and considering that very special circumstances do not exist to outweigh the harm identified, I find the proposal to be inappropriate development by definition.
23. Consequently, I conclude that the proposal would have a significant adverse effect on the character and appearance of the annex building and its surrounding area, including the character and openness of the adjacent Green Belt. Moreover, in that context it would be inappropriate development. Therefore, it would not accord with policy P10 of the Leeds Core Strategy (as amended), saved policies GP5 and BD6 of the Leeds UDP Review, policy HDG 1 of the HDG and relevant guidance within the Framework.

Other Matters

24. The appellant says the proposal is to provide accommodation for homeworking reasons and additional living space required for foster children within the household who are cared for by the appellant's family. I acknowledge and appreciate the reasons and circumstances for the proposal. Nonetheless, I must determine the proposal on its planning merits, having due regard to all other material considerations and I confirm that I have done so.

Conclusion

25. For the reasons stated above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

Inspector