



Appeal Decision

Site visit made on 14 May 2024

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2024

Appeal Ref: APP/N4720/D/24/3339540

703 Shadwell Lane, Leeds LS17 8ET

- 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 Laura Isherwood against the decision of Leeds City Council.
 - The application Ref is 23/06215/FU.
 - The development proposed is single-storey extension to rear; part two-storey extension to side.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's refusal reasons cite conflict with policies of the Shadwell Neighbourhood Plan (the SNP). However, it has subsequently been confirmed by the Council that the appeal site does not fall within the Shadwell Neighbourhood Plan Area. As such, I have not taken the policies of the SNP into account in determining this appeal.

Main Issues

3. As the appeal site is within the Green Belt, the main issues are:
 - Whether the proposal amounts to inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt;
 - The effect on the character and appearance of the host property and surrounding area; and
 - If the proposal is inappropriate development, whether 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 proposal.

Reasons

Whether inappropriate development

4. The appeal property is one of three pairs of two-storey, semi-detached houses located on the north side of Shadwell Lane. The houses are located close to, but outside of the main built-up area of Shadwell which lies to the east. Immediately to the north, east, and west, are fields with a golf course further beyond. On the south side of the road is a dwelling with a paddock.

5. Paragraph 154 of the National Planning Policy Framework (the Framework) states that the construction of new buildings should be regarded as inappropriate in the Green Belt. One of the exceptions to this is 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 (154 c). The Framework does not define what constitutes a disproportionate addition.
6. At a local level, Policy N33 of the Leeds City Council Unitary Development Plan (Review 2006) (the UDP) refers to limited extension of existing dwellings. Policy HDG3 of the Council's Householder Design Guide Supplementary Planning Document 2012 (the SPD) states that in order to be considered 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. Despite some differences in the terminology used, I find the overall aims of these policies and guidance to be broadly consistent with the Framework, such that they are afforded significant weight.
7. It is evident that the appeal property has been previously extended in the form of a hip-to-gable loft extension, as well as single-storey extensions at the side and rear. The proposal would add first-floor extensions at the side and rear, plus a further single-storey rear extension. According to the appellant's calculations, the cumulative volume of the previous and proposed extensions would amount to a 33% increase in volume compared to the original dwelling. The Council suggests an increase in volume of just over 50%. The difference between the parties stems from whether a previously demolished garage should be included in the volume of the original dwelling. If the garage was constructed at the same time as the dwelling, I see no reason why it should not be included in the calculations. Either way, the proposal still exceeds the 30% threshold in the SPD.
8. The appellant has identified a number of examples where the Council has been flexible with the 30% threshold. The full details of those cases are not before me, but each will have likely been considered on the basis of the particular nature of the proposal and its specific context. In this case, the previous extensions, particularly at roof level, have already resulted in a fundamental alteration to the massing and core shape of the original building, causing it to appear unbalanced. Although the proposed first floor extensions would be set back from the front wall and down from the main ridgeline, they would add significant bulk at first floor level, and in combination with the previous roof extension, would adversely affect the proportions of the original building.
9. Thus, in considering the overall increase in the size of the original building, the proposal is more than a limited extension and is clearly disproportionate to the original. In this regard, the proposal does not meet the exception in Framework paragraph 154 c) and UDP Policy N33.
10. Another exception provided in the Framework (154 e) and Policy N33 is limited infilling in villages. However, even if I were to agree that the proposal constitutes limited infilling, I do not consider that the property lies within the village. This is because this small group of houses stand clearly separate from the main built-up envelope of Shadwell, surrounded predominantly by open land. Their exclusion from the Shadwell Neighbourhood Plan Area adds weight to this view. Consequently, this exception does not apply.

11. I note the appellant's suggestion that the proposal does not conflict with the five purposes of Green Belt. However, this is not a matter that affects the consideration as to whether this proposal is inappropriate or not.
12. In light of all the above, I conclude that the proposal is inappropriate development which is, by definition, harmful and therefore contrary to national and local policy to protect the Green Belt.

Openness

13. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness has both spatial and visual aspects.
14. Although the proposal would sit mainly within the footprint of the current building, it would result in a larger building in the Green Belt and the sense of separation to No 705 would be reduced at first floor level. In addition, due to the position of the dwelling close to the road, the side extension would be highly visible from the public realm. Thus, I find that the proposal would result in this part of the Green Belt being less open than it is at present, both spatially and visually, albeit to a small degree.
15. Accordingly, in addition to the harm caused by reason of inappropriateness, there would also be some harm arising from a loss of Green Belt openness.

Character and appearance

16. As I have already explained, the proposal would adversely affect the proportions of the host building and the sense of openness in the area. In addition, the hipped roof design of the proposed side extension would be at odds with the previous gable alteration. The roof design is likely to have been influenced by an attempt to reduce the massing of the development. However, the result is a design that, despite its subservience, would appear highly contrived and awkward in relation to the host property.
17. I therefore conclude that the proposal would result in a harmful change to the character and appearance of the host property and surrounding area. This is contrary to Policies P10 and P12 of the Leeds Core Strategy (Selective Review 2019); Saved Policies GP5 and BD6 of the UDP; and Policy HDG1 of the SPD, which collectively seek to secure high quality design and ensure that alterations and extensions respect the form, proportions, and character and appearance of the original building and the locality. It is also contrary to Section 12 of the Framework with regards to achieving well designed places.

Other considerations

18. In February this year, a certificate of proposed lawful development (CPLD) was granted for a detached flat roof outbuilding to accommodate a home office and playroom. It is argued that the impacts of the development which could be constructed by virtue of the CPLD would be substantively worse than the appeal scheme.
19. The consideration of a 'fallback position', including what could be erected under permitted development rights, is a well-established principle. The appellant has

indicated that, should the current appeal be unsuccessful, it would be the intention to build the CPLD development.

20. However, it is notable that the CPLD development does not include any bedroom accommodation, which the appeal scheme is primarily seeking to provide. I also note the appellant's concerns over the loss of garden space. This raises some doubt as to the likelihood of the CPLD development being constructed as an alternative in the event that the appeal is dismissed.
21. In any case, even though the CPLD development would result in a greater spread and volume of development than the appeal scheme, it would be far less conspicuous due to its relatively low height and position at the rear of the dwelling. As a consequence, the visual effect of the CPLD development, including in respect of Green Belt openness, would be limited.
22. Moreover, there is a physical possibility that both the appeal scheme and the CPLD development could be carried out, thus negating any argument of a fallback position. Such an eventuality cannot be guarded against by the imposition of a condition, and there is no other appropriate mechanism before me to prevent this scenario.
23. In light of the above, I do not consider that the CPLD development would be significantly more harmful than the appeal scheme. Accordingly, the weight that I attach to this consideration is minimal.
24. The appellant has indicated that the proposal would provide additional space for their growing family. However, whilst I have had regard to the personal circumstances of the appellant in this respect, this is a matter which attracts only limited weight in support of the proposal.

Green Belt Balance and Conclusion

25. I have found harm to the Green Belt by way of inappropriateness and a loss of openness, and other harm in terms of the impact on the character and appearance of the host property and surrounding area.
26. Paragraph 153 of the Framework makes clear that any harm to the Green Belt must be given substantial weight and sets out that very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
27. Whilst I have had regard to all the other considerations put before me in favour of the scheme by the appellant, I conclude that these other considerations taken together, do not clearly outweigh the totality of harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist.
28. The proposal therefore conflicts with the development plan and the Framework when read as a whole. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR