



Appeal Decision

Site visit made on 16 May 2024

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2024

Appeal Ref: APP/N4720/D/23/3328834

Lyncrest, Moorland Road, Bramhope, Leeds LS16 9HW

- 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 Mr Richard Oddy against the decision of Leeds City Council.
 - The application Ref is 23/03886/FU.
 - The development proposed is a two storey rear extension to match existing house with hipped roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Other than the paragraph numbers, the provisions in the revised Framework relating to the Green Belt are the same as those that were in the previous version of the Framework when the Council made its decision. Therefore, it has not been necessary to seek the views of the main parties on this matter.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies;
 - The effect on the openness and the purposes of the Green Belt; and
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

4. 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 154 c) 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 are broadly consistent with those of the more recent Framework.

5. There is no definition 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. It is further advised in the accompanying policy text that although this figure is not definitive, it will inform the majority of decisions involving Green Belt applications.
6. The host dwelling is a semi-detached property with a two storey side extension. The plot is enclosed to its side and rear garden. The proposed extension would extend from the two storey side element to the rear of the original forming an addition of substantial mass. The appellant has stated that proposal would increase the volume of the original dwelling with an increase of around 76%. The host property has already been substantially extended and the proposal will introduce additional two storey development. It would also result in an overall volumetric increase above the size of the original property.
7. I therefore conclude the extensions subject to this appeal would represent disproportionate additions over and above the size of the original building. Consequently, the proposal would be inappropriate development in the Green Belt as defined by The Framework. It would also not represent a limited extension under Saved Policy N33 of the UDP or Policy HDG3 of the HDG.

Openness and purposes of the Green Belt

8. 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. The Framework further sets out at paragraph 142 that the Green Belt serves five purposes.
9. I do not consider that the proposal would conflict with the purposes of the Green Belt. However, on consideration of the scale of the development, the proposal would result in infilling an area at ground and first floor elongating the side elevation of the current extension. Whilst enclosed and not immediately prominent from the streetscene, the development would be visible in glimpsed views from and across neighbouring gardens, particularly at first floor.
10. As such the proposal would result in loss of spatial and visual openness where there was previously no built development. Whilst the loss of openness is limited, nevertheless I conclude that this results in harm to Green Belt openness, and the proposal is contrary to the aims of the Green Belt contained within paragraph 142 of the Framework set out above.

Other Considerations

11. The Council has not raised concerns about the visual aspect of the design and it would not harm neighbouring living conditions, highway safety and would retain acceptable levels of parking. However, these are neutral matters that do not weigh for nor against the proposal.

12. I acknowledge that the Council approved an extension which exceeded their guidance at the adjoining dwelling of Appletrees. However, it appears that the additional extension involved the demolition of existing development and therefore consolidated development on the site. Furthermore it is clear that other considerations such as the appearance of the property and the wider street scene were considered to be significantly enhanced by the development. The same benefits cannot be said to be derived from the appeal proposal, which would have limited visibility from the street.
13. The massing and form of the appeal extension is also larger and not identical to Appletrees. Having a hipped roof and overall greater mass, the appeal proposal would be larger and bulkier than that of Appletrees. I therefore only attribute limited weight to this and the appeal decision¹ which drew very special circumstances from a complementary form and recent planning decision.
14. The need for additional accommodation at a residential property, the position within a residential area and its limited visibility are not circumstances that could be said to be uncommon or unusual. These considerations therefore carry only limited weight in support of the proposal.

Green Belt Balance

15. Paragraph 153 of the Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.
16. There would be a reduction to visual and spatial openness. I acknowledge that the level of harm would be limited. However, the proposal would be inappropriate development which would be harmful. This harm carries substantial weight by definition.
17. The other considerations, and the examples of other planning decisions referred to above do not clearly outweigh the substantial weight that I must give to the harm to the Green Belt, by reason of inappropriateness and effect on openness. This is a high hurdle for any development proposal to overcome. I conclude that the very special circumstances necessary to justify the development do not exist which clearly outweighs the inherent harm to the Green Belt.
18. The proposal is contrary to saved policy N33 of the UDP which only gives approval for limited extensions in the Green Belt. The proposal would conflict with chapter 13 of the Framework, which seeks to prevent disproportion additions to a building in the Green Belt. There would also be conflict with HDG3 of the HDG which sets a thirty percent increase for limited development and seeks to resist proposals that harm the openness of the Green Belt.

¹ Appeal Ref: APP/T0355/D/22/3300670

Conclusion

19. For the reasons given above and having regard to all other matters raised, the proposal is contrary to the development plan, and I conclude that the appeal should be dismissed.

K Williams

INSPECTOR