



Appeal Decision

Site visit made on 6 August 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2024

Appeal Ref: APP/N4720/D/24/3343973

Mill House, Moorlands Farm, Staircase Lane, Bramhope, Leeds LS16 9LH

- 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 and Mrs Wade against the decision of Leeds City Council.
 - The application Ref is 24/00484/FU.
 - The development proposed is alterations including single storey rear extension with roof lights, new patio and steps; repositioning of entrance door to front, including new steps.
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Decision

1. The appeal is allowed and planning permission is granted for alterations including single storey rear extension with roof lights, new patio and steps; repositioning of entrance door to front, including new steps at Mill House, Moorlands Farm, Staircase Lane, Bramhope, Leeds LS16 9LH in accordance with the terms of the application, Ref 24/00484/FU, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr and Mrs Wade against Leeds City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. I have used the description of development given on the decision notice and the appeal form in the banner header above and formal decision, as it more comprehensively describes all elements of the development referred to in the submissions, including the proposed new patio and the intended repositioning of the entrance door.

Main Issues

4. The main issues are:
 - (i) Whether the proposed extension 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 proposed extension on the character and appearance of the host building and upon the special landscape area

Reasons

Whether inappropriate development

5. 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.
6. Policy HD3 of the Householder Design Guide Supplementary Planning Document 2012 (SPD) sets out 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. The Council does not dispute that this stipulation would be met. However, Policy HD3 also adds a further requirement that the development does not harm the character, appearance or openness of the Green Belt.
7. There is, therefore, an inconsistency between the requirements set out in the SPD and the Framework, in that the latter requires only an assessment of whether a proposal would be a disproportionate addition to the original building. Unlike in some other parts of paragraph 154 of the Framework which refer to different development types, an assessment of the impact on openness is not built into the test of whether an extension would be disproportionate. In this instance what is proposed would be of a size, scale and positioning which would mean that it would not be a disproportionate addition to the existing original building. Assessed under the Framework, it would therefore not be inappropriate development in the Green Belt.
8. When assessed against the development plan policy and the SPD, the proposal would be limited in terms of it falling within the thirty percent threshold. By reason of its subservient scale in relation to the surrounding existing development, its attachment to the existing building and because it would be sited at a much lower ground level than the adjacent dwelling which would appear in its backdrop and be the more visually dominant feature, there would be no harm to the character, appearance or openness of the Green Belt. The proposal would therefore be a limited extension when considered against Saved Policy N33 of the UDP and not be inappropriate development in the Green Belt.
9. In conclusion, I find that the proposed development would not result in disproportionate additions over and above the size of the original building. The proposal therefore falls within the exception listed in paragraph 154c) of the Framework. Furthermore, the proposal would be a limited extension when considered in the context of Saved Policy N33 of the UDP and the SPD. In both respects, it would not be inappropriate development in the Green Belt.

Character and appearance

10. The proposal would be a modern extension to a traditional building. However, by reason of its scale, design and use of materials, it would successfully integrate visually with its host building. Elements of its design would reflect the building to which it is attached and its agricultural origins, in particular the

openings on the north elevation. Whilst it would obscure a section of the existing dwelling, this would be a relatively small part of it and it would not compromise the overall character and appearance of the former agricultural complex, which in any instance is now in residential use not agricultural use. Most of the east elevation would be unaffected, and there would not be a material change to the other elevations with the exception of the new entrance, which would be only a minor alteration that would not result in any harm.

11. There would be no harm caused by the fact that the proposal would not sit at right angles to the host dwelling, and indeed Mill House itself does not align in such a way with the dwelling to the south, nor harm because the linear nature of the existing building would be altered. Although there is mature landscaping along the boundaries of the appeal site with Staircase Lane and the field to the east, and also further along Staircase Lane itself, the proposal would nonetheless be visible from outside of the site. However, as an extension of an acceptable design and appearance, it would not compromise the integrity of the now converted former agricultural building. Whilst there would be some contrast to the existing building such as the use of aluminium to the screen openings and the presence of a chimney, these features would not undermine the overall character of the existing or proposed development. Consequently, there would be no harm to the character and appearance of the host building.
12. In terms of the wider landscape impact, the proposal would be read as an extension to the existing building, and one that would be subservient to it and visually coherent with regard to its design and use of materials. As I have noted above, there is a two-storey dwelling immediately to the south, which is positioned on a much higher ground level and which would remain as the visually dominant feature in longer views that are available towards the appeal site. These factors ensure that there would not be harm caused to the wider landscape, and thus there would be no harm to the character and appearance of the special landscape area in which the appeal site is located.
13. For these reasons I conclude that the proposed development would not result in harm to the character and appearance of the host building or to that of the special landscape area. Therefore, the proposal would accord with Policy P10 of the Core Strategy 2019 and Saved Policies GP5, N33 and N37 of the UDP where they seek to promote high quality design and to protect the character and appearance of the landscape. There would also be no conflict with the aims of the Framework where it seeks to achieve well-designed and beautiful places.

Other Matter

14. The appeal site is located within the Bramhope Conservation Area (CA). In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. In that respect I note that the Council raises no concern as to the impact that would arise on the CA and there was no objection raised by their Conservation Team. In light of this along with my own observations at my site visit and my findings on the acceptability of the proposal in design terms, I am satisfied that there would be no harm caused to the character or appearance of the CA.

Conditions

15. Conditions setting out the time period to commence the development and confirming the approved plans are required to provide certainty. A condition is required to ensure that tree protection measures are put in place in order to protect the two retained trees that are shown on the submitted plans. As those two trees are not immediately adjacent to the footprint of the proposed development and are in the far corner of the site well away from the points at which materials would be brought onto the site or people may enter and leave the site, the measures set out in the submitted Arboricultural Impact Assessment (AIA) are proportionate.
16. As per the AIA, more precise details of the proposed new tree planting are required to be submitted for approval along with details as to how such planting would be established and maintained. Given my findings on the visual acceptability of the proposal and because there is already extensive shrubbery and vegetation on the appeal site which would be unaffected, it is not necessary to extend the required landscaping beyond the new trees.
17. Because of the location within the CA and the sensitivities brought about by being attached to a traditional building in such a designated area, it is necessary and reasonable to impose conditions requiring further details of materials and of some elements of the proposed construction. Having had regard to the comments of the Council's Conservation Team, I have included reference only to those elements which are not clearly shown on the plans submitted and/or where further clarification is reasonably needed.

Conclusion

18. For the reasons given above, the appeal should be allowed.

Graham Wraight

INSPECTOR

Schedule of 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: (PL)01 Revision A, (PL)50 Revision A showing the proposed ground floor plan and site, (PL)50 Revision A showing the tree protection plan, (PL)51, (PL) 52 Revision A, (PL)53 Revision A, (PL)56, (PL)57 and (PL)58 Revision A.
- 3) The trees shown on the tree protection plan (drawing reference (PL)50 Revision A showing the tree protection plan) as being retained shall be protected by the BS5837:2012 Heras Tree Protection Fencing specified on that drawing. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made.
- 4) Notwithstanding the details shown on the approved plans, the extension hereby permitted shall not be occupied or brought into use until a full specification of all proposed tree planting has been submitted to and approved in writing by the Local Planning Authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification.
- 5) The extension hereby permitted shall not be occupied or brought into use until a schedule of maintenance of the trees until successfully established has been submitted to and approved in writing by the Local Planning Authority, and the schedule shall be implemented as approved. The schedule shall include provision for replacement planting should establishment fail.
- 6) No construction of any masonry walling (to include the new build, plinth stones, the infill to the existing building and the dwarf wall) shall take place until a sample panel of the masonry has been approved in writing by the Local Planning Authority. The panel shall be erected on site to establish the colour of stone selection, mortar and construction detailing. The masonry shall be constructed in strict accordance with the sample panel(s) which shall be retained on site until the work is completed.
- 7) No construction of the roof shall take place until details and samples of all external roofing materials including roof slate, ridge detail and chimney capping including construction detail cross-sections through eaves, together with details of the materials and the proposed finish of the flat roof link element, have been submitted to and approved in writing by the Local Planning Authority. The roof shall be constructed from the approved materials and in accordance with the approved details.

8) Notwithstanding any such details shown on the approved plans, the elements of construction set out below shall not be undertaken, installed or put in place until the details listed have first been submitted to and approved in writing by the Local Planning Authority:

- (i) Timber frames and vertical timber boarding to the extension: details of the proposed finish of the frames and boarding.
- (ii) Roof lights to the extension: full construction details including proposed fittings, confirmation of materials and proposed finish.
- (iii) External vents and services to the extension: full construction details including proposed location and fittings details, proposed materials and finish.
- (iv) New windows to the existing building: full construction details including cross-sections showing profile and glazing details, to include sections through glazing bars, confirming materials, proposed finish, opening pattern and recessed location within reveal.
- (v) New external doors to the existing building: full construction details including cross-section through glazing and panelling, confirming proposed materials and finish.

Development shall thereafter be undertaken in accordance with the approved details.

-----End of Conditions-----