
Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 24th July 2014

Subject: 14/00457/FU – Two storey rear extension at 9 Fieldhead Drive, Barwick-in-Elmet, LS15 4EE

	DATE VALID	TARGET DATE
APPLICANT Mr K Harrison	18 th March 2014	13 th May 2014

Electoral Wards Affected:

Harewood

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION: REFUSE for the reason specified below:

The Local Planning Authority consider that the proposed extensions, by virtue of their overall height, size, scale and siting represent a disproportionate addition to the dwelling which would also harm the openness and character of the Green Belt, and which are therefore considered to be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and as no very special circumstances have been demonstrated the proposal is considered contrary to the aims and intentions of policy N33 of the Leeds Unitary Development Plan (Review) 2006, policy HDG3 of the Householder Design Guide as well as guidance contained within the National Planning Policy Framework.

1.0 INTRODUCTION

1.1 This application seeks permission to construct two storey rear extension. As will be discussed below the extension is considered harmful to the Green Belt.

1.2 The application is brought to Panel with a request for a site visit at the request of councillor Racheal Procter due to the recent planning history of the area.

2.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a detached dwelling located within a small residential enclave which lies outside Barwick-in-Elmet village, just to the north of Aberford Road. The property is constructed of brick with a hipped, rosemary tiled roof. The dwelling has been extended to the rear where a flat roof, two storey brick built extension has been clad in white render. The surrounding houses are of a similar size and scale although several have been extended. There are a mix of architectural styles on the street including hipped and gabled roofed properties.
- 3.2 Parking is located to the side of the property where a domestic driveway allows two cars to be parked in tandem. A detached domestic garage sits at the head of the driveway. The main amenity space is set to the rear where a domestic garden is enclosed by a mix of fencing and vegetation. A small single storey extension is present to the side of the dwelling.
- 3.3 The property is located outside the village of Barwick-in-Elmet and within the Green Belt. Open agricultural land lies to the front and rear.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 13/01340/FU First floor rear extension, pitched roof over existing two storey rear extension and single storey side/rear extension
Approved

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant first approached the council in 2012 seeking pre-application advice regarding a 2.5m deep two storey rear extension. Officers considered that an extension of that size would be harmful to the Green Belt and advised that planning permission would not be granted.
- 5.2 A smaller scheme which added a roof to the existing flat roofed extension and included a single storey side extension was subsequently granted in 2013. Later that year the applicants again enquired about the possibility of constructing a larger two storey extension. General advice regarding the Green Belt was given and attention was drawn to policy HDG3 within the Householder Design Guide.
- 5.3 The current application was submitted in March of this year and seeks permission for a 3.5m rear extension. Officers have again advised that an extension of this size is harmful to the Green Belt. Detailed discussions regarding Green Belt policy have been held over email and officers have also met with the applicants and Councillor Rachael Procter. At this meeting officers advised that the extension needed to be reduced in size and scale. The applicants have subsequently decided not to reduce the scheme and would like the application determining on the submitted plans.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by neighbour notification letters sent on 19th March 2014 and site notice posted on 28th March 2014.
- Barwick-in-Elmet with Scholes Parish Council express no objection to the application.

- The occupants of 7 Fieldhead Drive express support for the scheme and consider that a two storey extension would have less impact than a single storey extension.

7.0 CONSULTATIONS RESPONSES:

7.1 None

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

Local Planning Policy

8.2 The Leeds Unitary Development Plan (Review 2006) is the development plan for the whole of the Leeds district. Relevant planning policies in the Leeds Unitary Development Plan (Review 2006) are listed below:

GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

BD6: Seeks to ensure extensions respect the scale and form of the existing dwelling.

N33: Seeks to restrict inappropriate development in the Green Belt.

Supplementary Planning Guidance/Documents

8.3 Leeds City Council Householder Design Guide was adopted on 1st April and carries significant weight. This guide provides help for people who wish to extend or alter their property. It aims to give advice on how to design sympathetic, high quality extensions which respect their surroundings. This guide helps to put into practice the policies from the Leeds Unitary Development Plan which seeks to protect and enhance the residential environment throughout the city.

HDG1 All alterations and extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality/ Particular attention should be paid to:

- i) The roof form and roof line;
- ii) Window detail;
- iii) Architectural features;
- iv) Boundary treatments
- v) Materials.

HDG2 All development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance or overlooking will be strongly resisted.

HDG3 All extensions, additions and alterations within the Green Belt should represent limited development and should not harm the character, appearance and openness of the Green Belt. 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. Development proposals which exceed thirty percent or which harm the character, appearance or openness of the Green Belt are considered to be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and will be resisted unless very special circumstances are demonstrated.

Natural Resources and Waste DPD

Emerging Local Development Framework Core Strategy

- 8.4 The Council has submitted its Core Strategy to the Secretary of State. The Strategy is considered by the Council to be sound and in line with the policies of the NPPF and the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011. An initial hearing session has been held and the Inspector is satisfied that the Council have fulfilled the legal obligations of the Localism Act as they pertain to the Duty to Co-operate. The Core Strategy progressed to formal hearing sessions which were held in the autumn 2013 and the spring of 2014. The Inspector's main modifications were published on 13th March 2014 for six weeks public consultation. More recently the final modifications have been publicised with a further period of consultation. The Inspector's report should be published before the end of July 2014. Significant weight can now be attached to the policies of the Draft Core Strategy as amended by the main modifications.

National Planning Policy

- 8.5 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 8.6 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.

9.0 MAIN ISSUES

- 1) Green Belt
- 2) Design and Character
- 3) Neighbour Amenities

10.0 APPRAISAL

Green Belt

- 10.1 Paragraph 89 of the NPPF notes that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include 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. The NPPF also states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

10.2 This advice is replicated in Policy N33 of the UDPR which notes that approval will only be given for limited extension, alteration or replacement of existing dwellings. This represents the wording of the superseded PPG2, however the difference between 'limited extension' and 'not...disproportionate' is semantic only and both documents clearly seek to restrict inappropriate development within the Green Belt. The NPPF and UDP provide no guidance on how to interpret what constitutes disproportionate or limited extensions, however the adopted Householder Design Guide notes that approximately a thirty percent increase over and above the volume of the original building is considered to be a reasonable interpretation of limited extension (HDG3). In order to be considered acceptable development within the Green Belt, extensions should not only be limited but should not harm the openness of the Green Belt. Development proposals which are disproportionate or which harm the openness of the Green Belt are considered to be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and will be resisted unless very special circumstances are demonstrated. The main issues in relation to this application are therefore;

- (i) whether the proposal constitutes inappropriate development in the Green Belt as set out in the Development Plan and having regard to national policy framework set out in the NPPF. This document advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and;
- (ii) if it is inappropriate development, whether the harm, by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

10.3 The existing dwelling was granted planning permission in February of 1949. The small single storey lean-to at the side is an original feature however the detached garage and the flat roofed rear extension have been built later. As noted above the authority use a volume assessment as a starting point when considering applications in the Green Belt. The original property has a volume of approximately 280m³ which is common for a dwelling of its era. An extension within the region of 90m³ is likely to be acceptable, however the extension which is proposed is more than double this volume and is around 191m³, representing a percentage increase of around 68%. This is significantly greater than the thirty percent threshold and the extension would be a very large addition to the house. Furthermore the test outlined within the NPPF is whether the extensions would be disproportionate to the original building. The rear extension which is proposed is wider than the original house and its overall visual bulk and mass is significant. This is particularly evident at the roof level, where a modest pyramidal roof will be replaced by a large mass with a 4.6m long ridge line stretching back into the site.

10.4 Volume calculations have been submitted with the application which suggest that the extensions amount to a 40% increase. It is unclear how these figures have been arrived at, although it appears likely that the agent is including the existing extensions as part of the original dwelling. However, even using this flawed methodology the applicant's own evidence shows that the extension must be considered a disproportionate addition within the Green Belt. As is outlined within

National Planning Policy and within the Householder Design Guide the extension is therefore inappropriate development and, by definition, harmful to the Green Belt. The NPPF makes it clear that local authorities should ensure significant weight is given to harm to the Green Belt.

- 10.5 As the two storey rear extension is harmful to the Green Belt attention must then turn to whether there are very special circumstances which outweigh the substantial harm to the Green Belt through inappropriateness. In order to be considered very special circumstances the arguments forwarded by an applicant must be particular to the unique case of the development and should not be based upon general planning considerations. No very special circumstances have been formally put to the authority but in discussing the case with the applicants three potential arguments have emerged. These are:
- the impact of the extension viewed against the existing permission;
 - the presence of other extensions within the street; and
 - the possible demolition of previous extensions.
- 10.6 The existing permission which was granted marginally enlarged the two storey rear extension and added a single storey extension to the side/rear of the dwelling. This amounted to approximately a 37% increase over and above the original dwelling. The officer report is clear in stating that the extensions are inappropriate. However the report goes on to note that other dwellings along Fieldhead Drive have large extensions and that very special circumstances are considered to apply, namely that fact that the single storey works are close to being permitted development.
- 10.7 However, the fact that the authority have granted a permission for a different form of development which complied with planning policy does not now suggest that the current, harmful application should be granted permission. The two storey rear extension is significantly above the thirty percent threshold, could not be built under permitted development and would be a large and disproportionate addition which would harm the Green Belt. As such, the previous acceptable permission does not suggest that the current harmful proposal should be granted.
- 10.8 The applicants have also drawn attention to the presence of historic extensions which have been allowed to other dwellings. As Members will be aware over the course of the last few years the authority has revised its Green Belt policies following criticism from the Planning Inspectorate regarding an overly permissive approach. The Householder Design Guide was approved as a material consideration in 2012 and is the policy test which must now be applied. Since 2012 two applications have been submitted in Fieldhead Drive, the applicant's previous proposal which was granted permission and a large extension at 21 Fieldhead Drive which was withdrawn as it did not comply with policy. There are houses within the area which have been extended, however these are historic additions and relate to a different policy regime for which the authority was criticised. The presence of harmful extensions to neighbouring dwellings is unfortunately not a justification for approving the current harmful extensions which do not comply with policy.
- 10.9 The applicants have also suggested that there were previously other extensions to the dwelling which have been removed and that this means a larger volume should now be permitted. The test in both national and local policy Green Belt is that extensions must not be disproportionate to the original building. The authority has no record of previous extensions to the dwelling, however these would be additions over and above the original dwelling, they would not count as part of the original

house volume. As such the potential for other extensions to have been removed at some point in the past does not suggest a large extension can now be permitted.

- 10.10 As such there are not considered to be any very special circumstances which outweigh the harm to the Green Belt which the extension would cause. The proposal is inappropriate development, is by definition harmful to the Green Belt and significant weight should be attached to this harm.

Design and Character

- 10.6 The National Planning Policy Framework states that “good design is indivisible from good planning” and authorities are encouraged to refuse “development of poor design”, and that which “fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted”. Leeds Unitary Development Plan Policy GP5 states that “development proposals should seek to resolve detailed planning considerations including design” and should seek to avoid “loss of amenity”. These policies are elucidated and expanded within the Householder Design Guide.
- 10.7 The extension which is proposed is considered to be broadly acceptable. Although the rear extension is wider than the original dwelling, the element which extends beyond the existing side elevation is set back some distance from the frontage and largely reads as a subordinate side extension. The extension will reflect the shape and form of the dwelling and will not significantly harm the character and appearance of the dwelling nor the wider streetscene. As such, subject to a condition to match the materials of the existing house (brick), no harm is anticipated to the dwelling nor the streetscene.

Neighbour Amenity

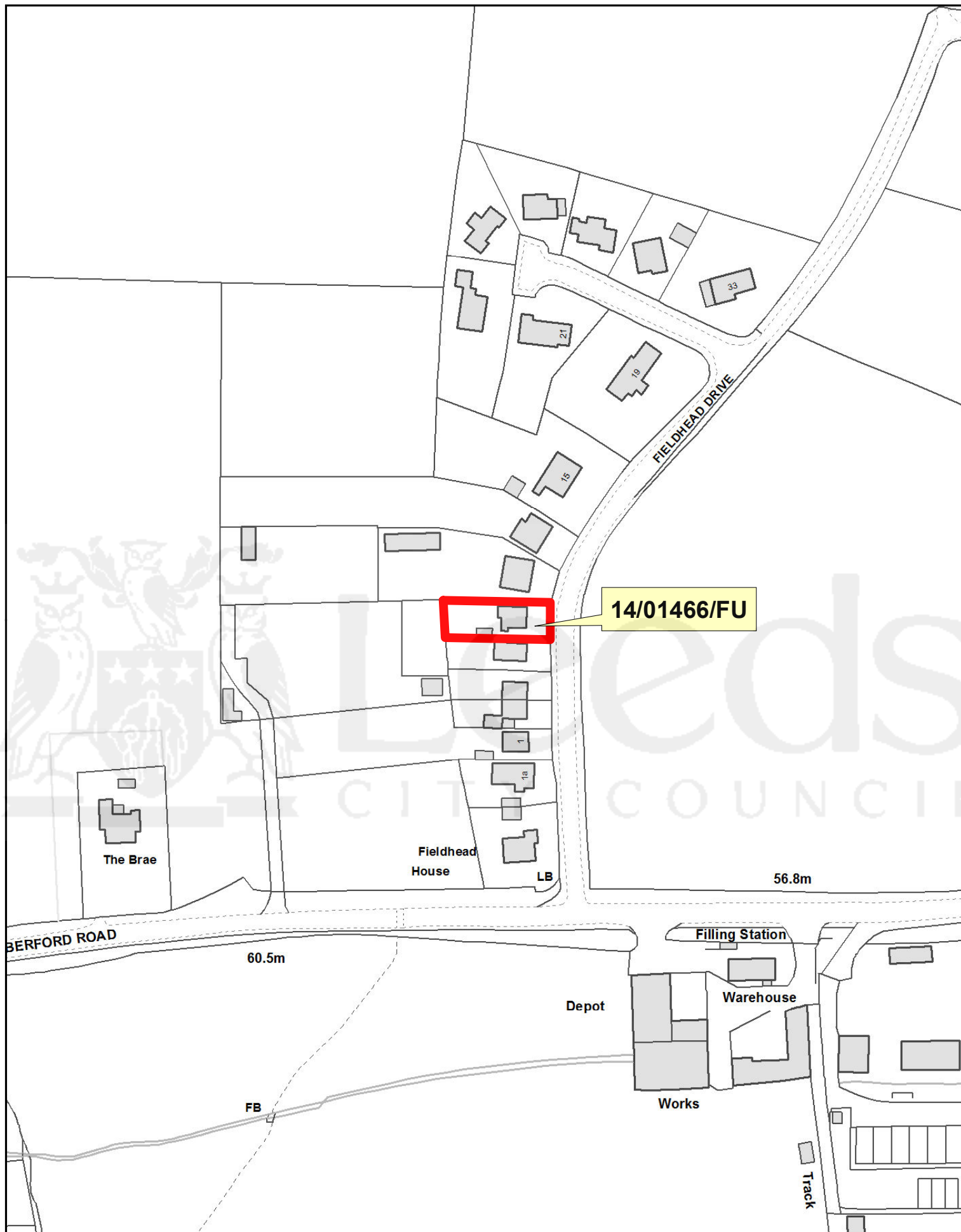
- 10.8 Policy GP5 (UDPR) notes that extensions should protect amenity and this advice expanded further in policy HDG2 which notes that “all development proposal should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance of overlooking with be strongly resisted”.
- 10.9 The proposal raises no significant concerns in respect of the impact upon neighbours. Although the extension is two storey, the surrounding houses are largely detached and this means that there is adequate space between the dwellings to prevent harm. The extension sits closet to the common boundary with 11 Fieldhead Drive which lies to the north. However, this property is splayed away from the application site and buildings along the common boundary provide some mitigation in respect of both overdominance and overshadowing. The extension is set approximately 2.0m from the common boundary with 7 Fieldhead Drive. This neighbouring dwelling has already been extended to the rear and the proposed extension would sit roughly in-line with this addition, meaning that main windows and main amenity space are not harmfully affected. The proposed rear windows will allow oblique views toward neighbouring gardens, however these are not uncommon within residential contexts and are similar to the views currently afforded from the existing dwelling. As such, subject to conditions, no harm is anticipated to neighbouring amenity.

11.0 CONCLUSION

11.1 The application is therefore not considered to be acceptable. Whilst the extension will not harm neighbours or the architectural character of the area, it is inappropriate development within the Green Belt. As such the application is contrary to national and local planning policy and refusal is recommended.

Background Papers:

Application files	14/00457/FU
	Certificate of ownership: Certificate A signed by agent



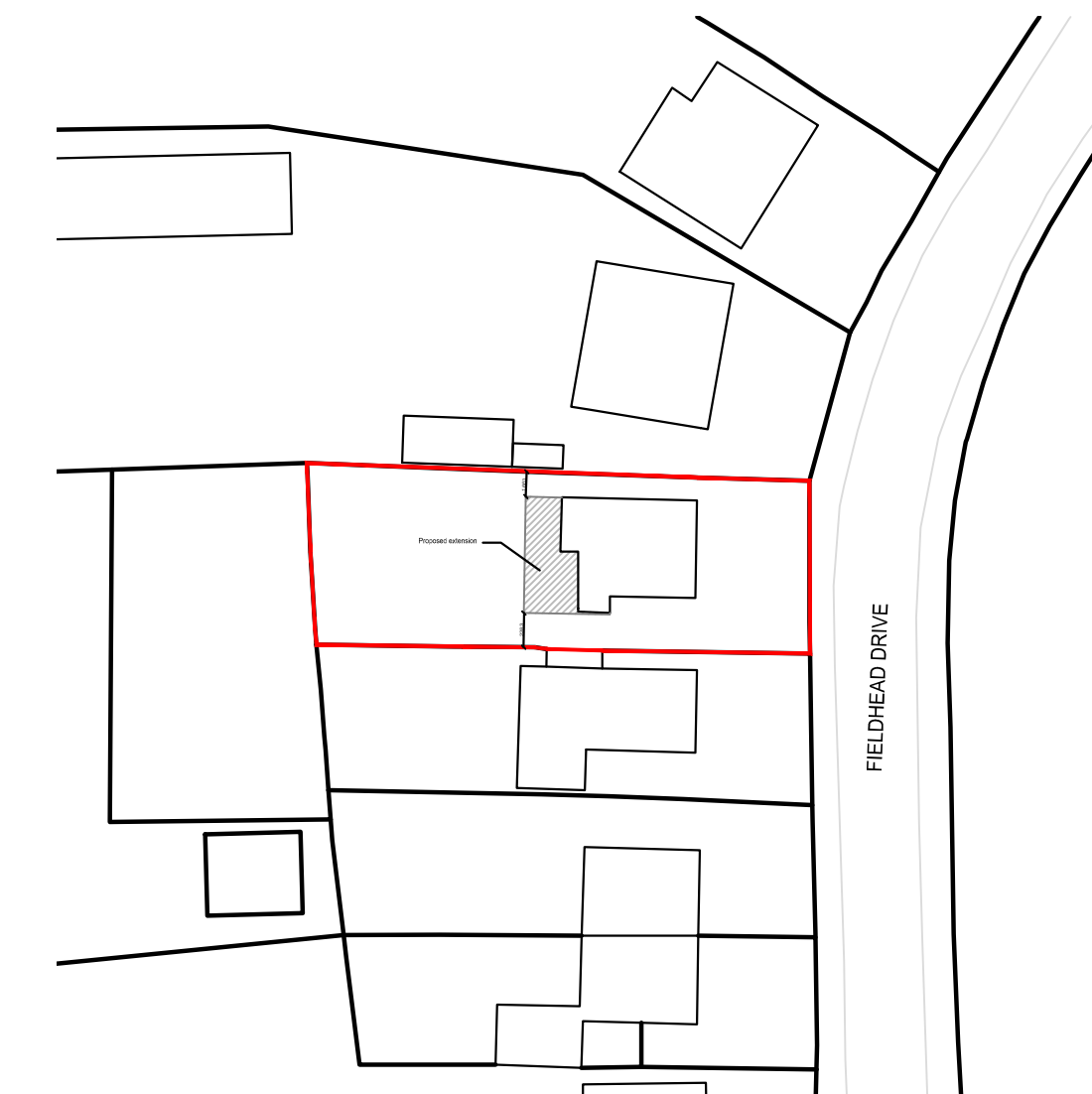
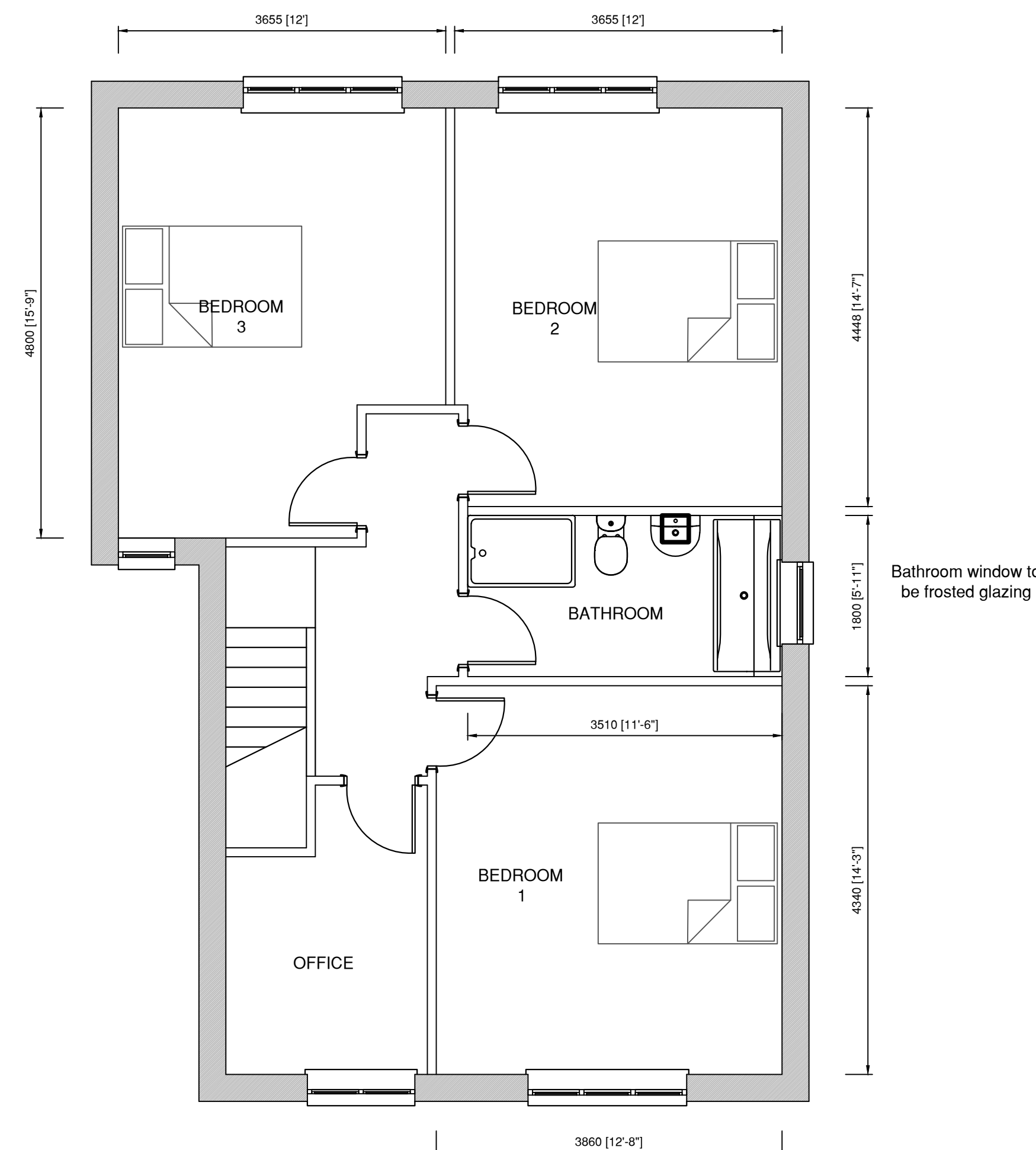
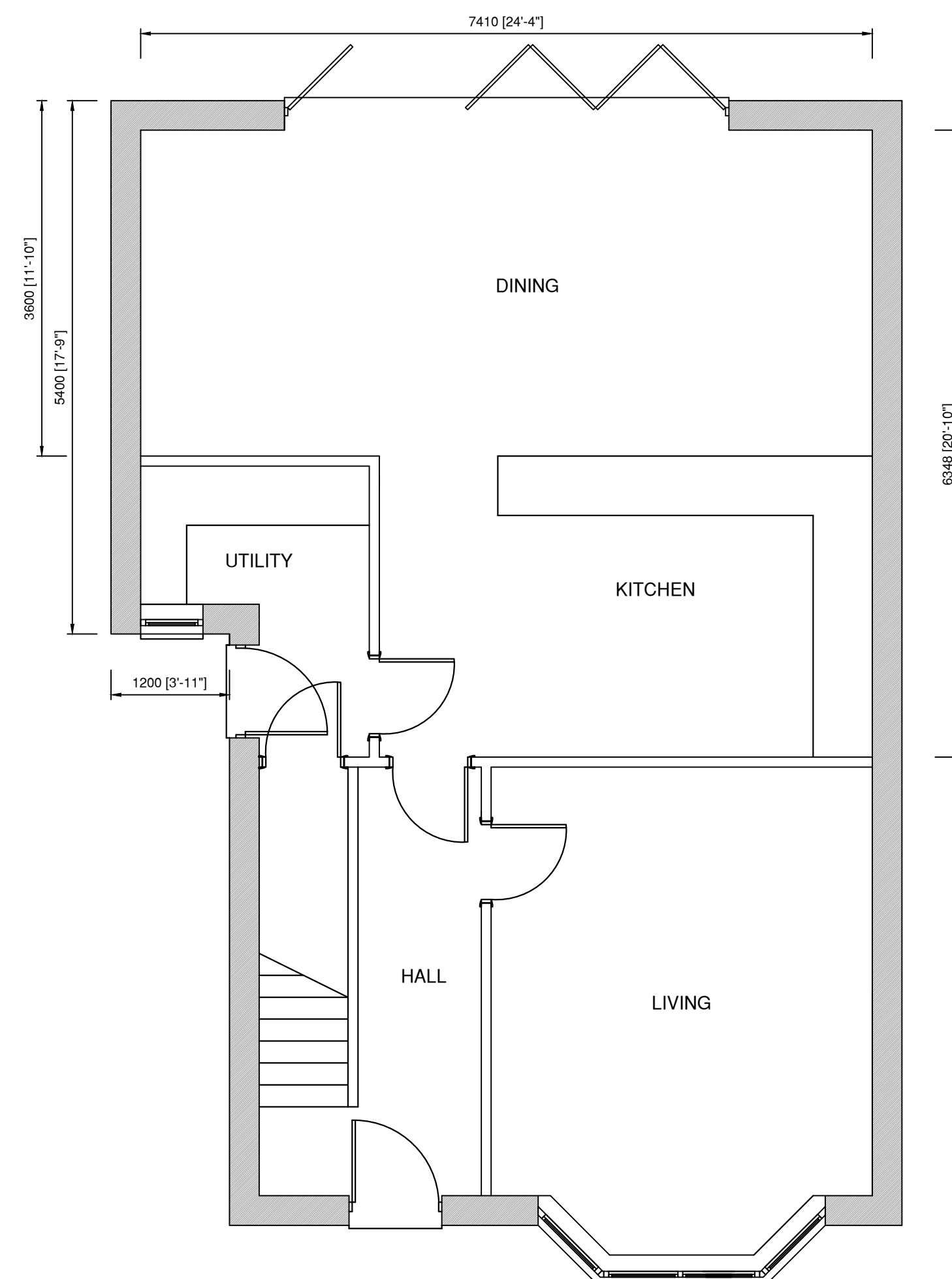
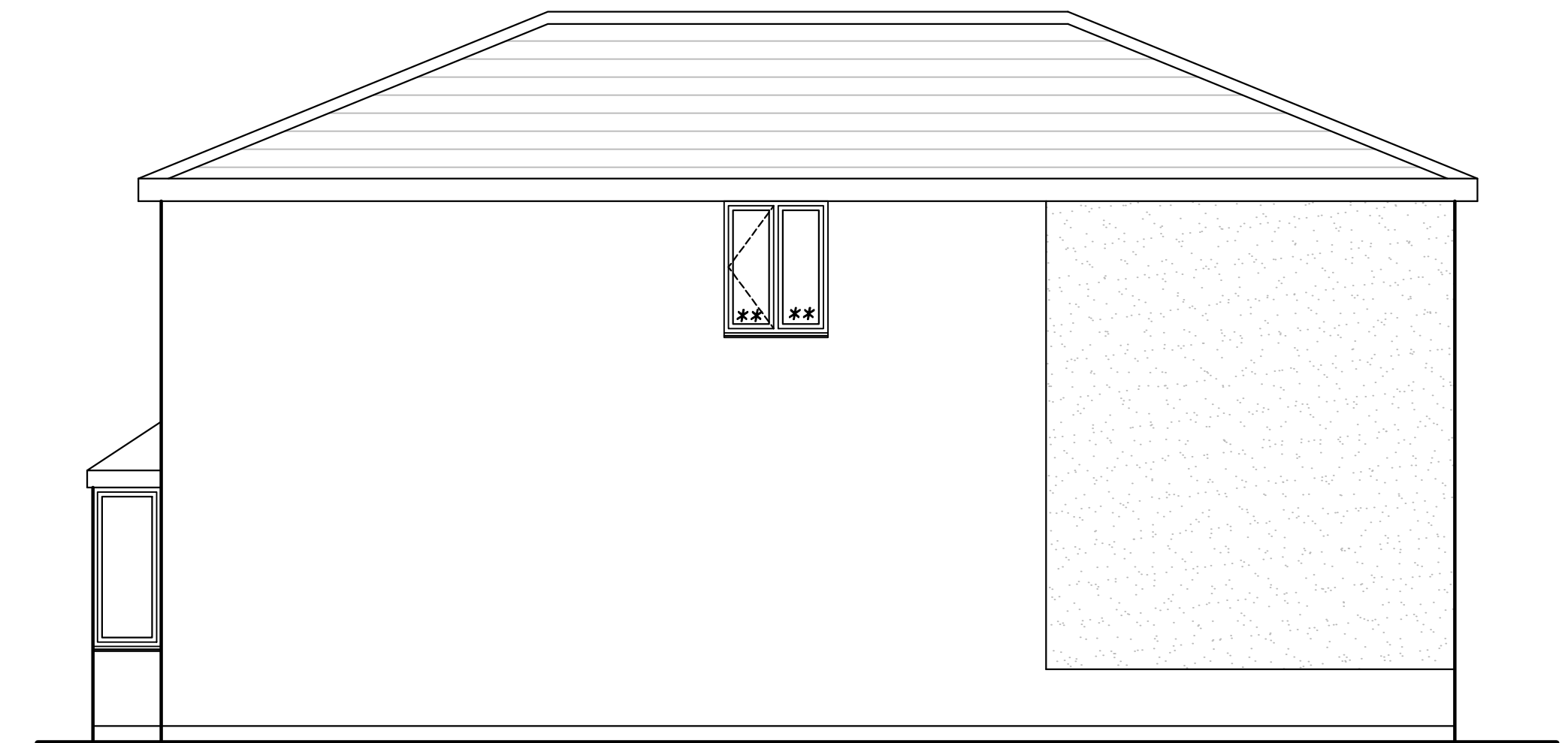
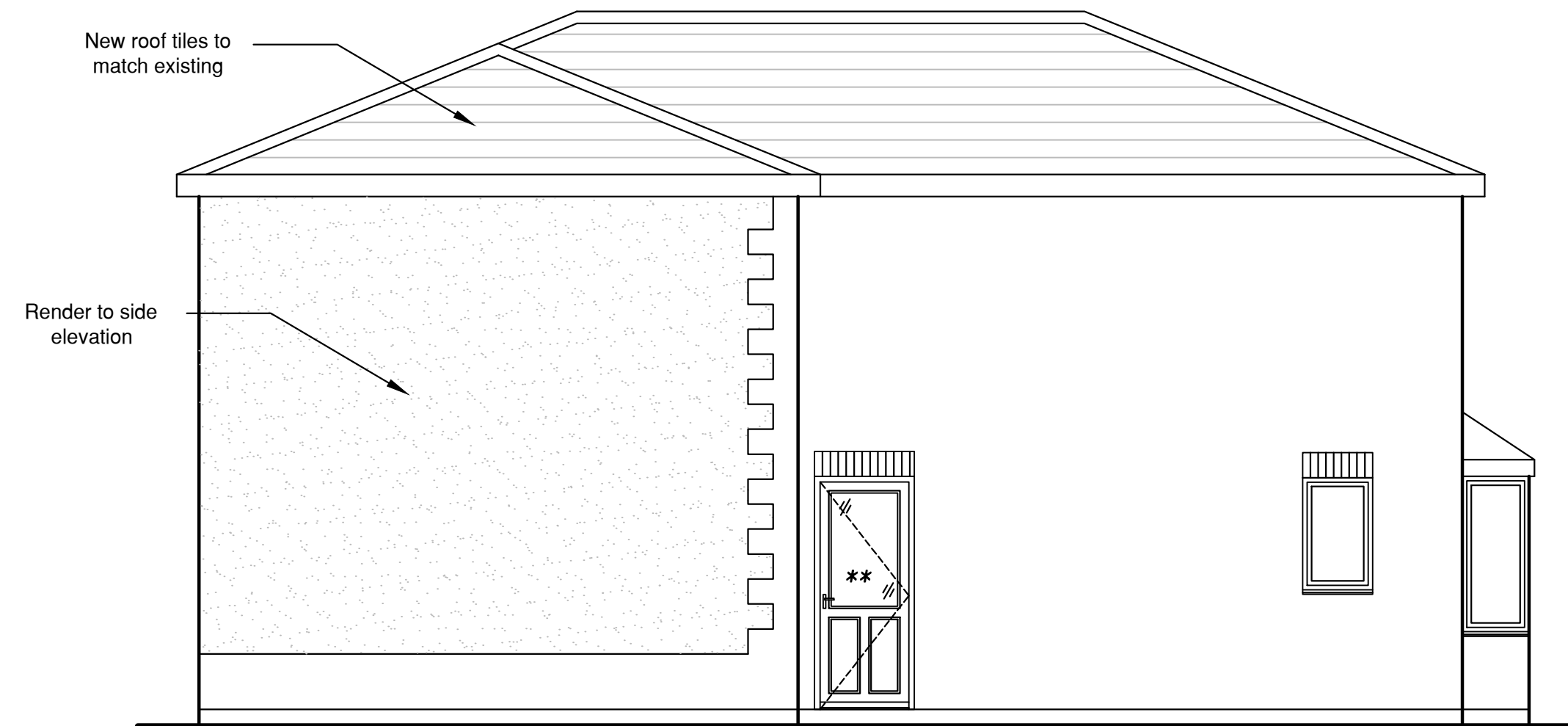
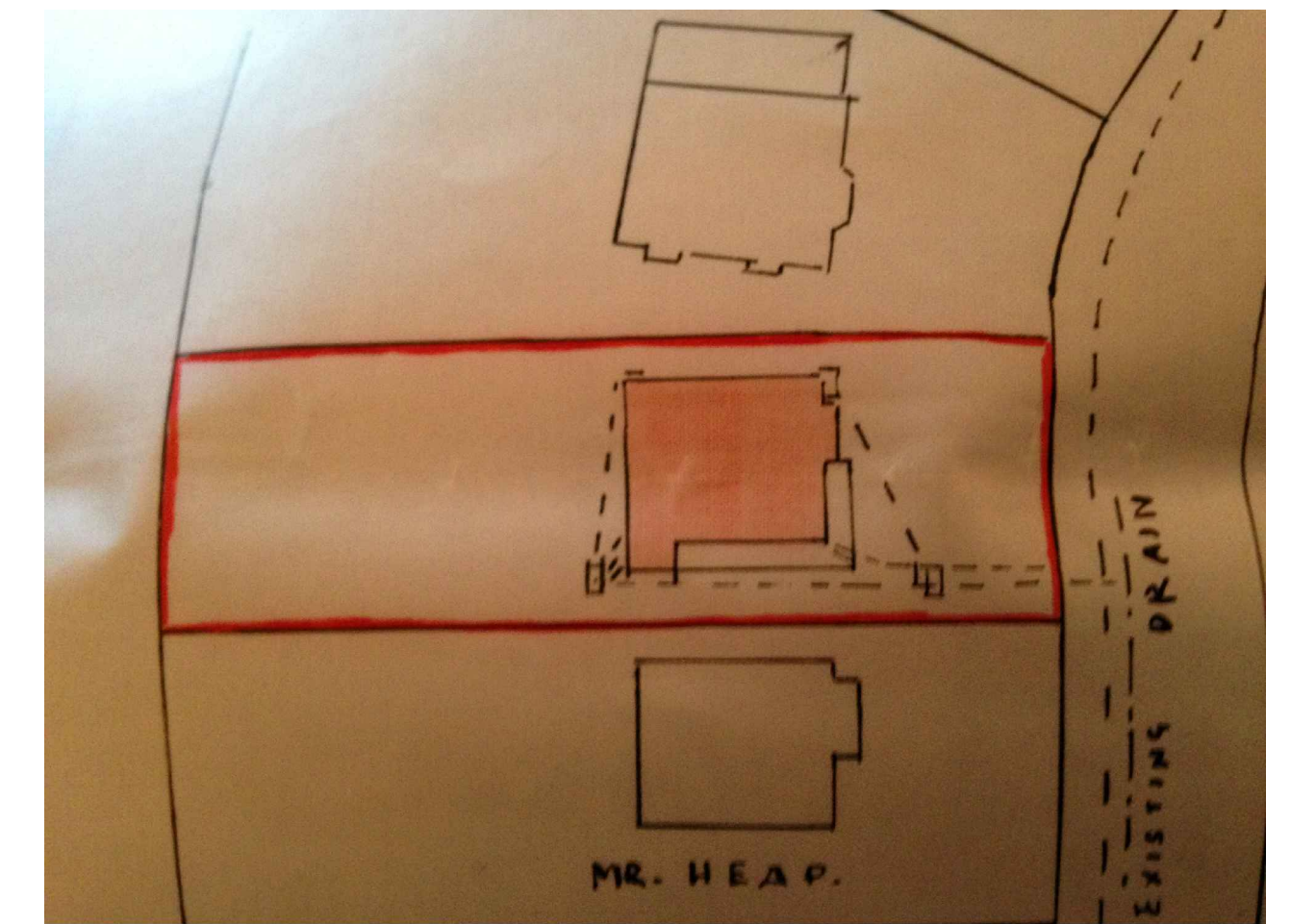
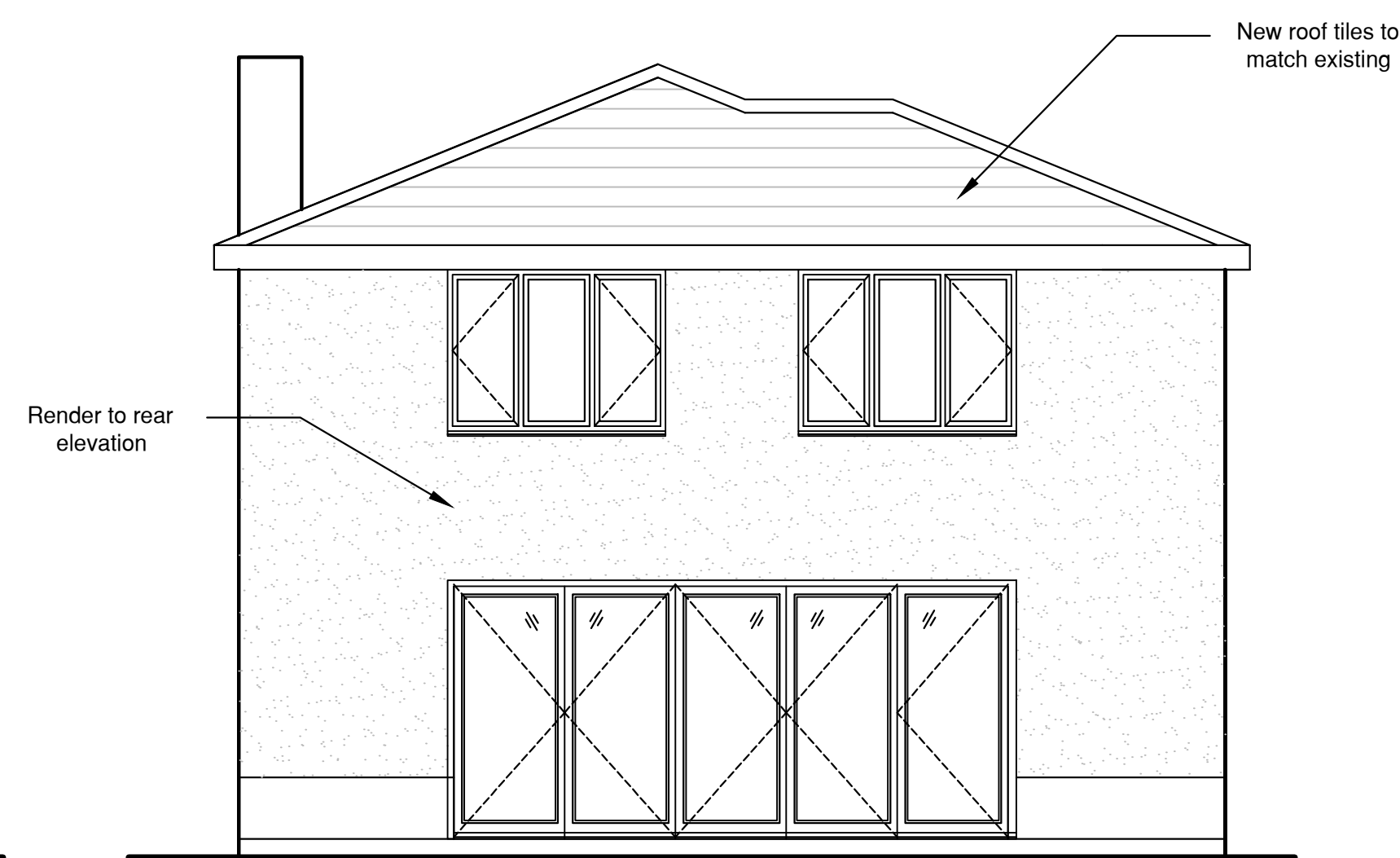
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SCALE : 1/1500



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