



Report of the Chief Planning Officer

PLANS PANEL EAST

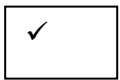
Date: 30th July 2015

Subject: Application 14/06110/FU Appeal by Mr K Harrison and Miss J Holmes against refusal of planning application for two storey, single storey side/rear extension at 9 Fieldhead Drive, Barwick in Elmet.

The appeal was dismissed.

Electoral Wards Affected:

Harewood



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Members are asked to note the following appeal decision.

1.0 THE APPEAL WAS DEALT WITH BY WRITTEN REPRESENTATIONS

1.1 This application was brought to Plans Panel North East on 8th January 2015 and was recommended for refusal by Officers.

1.2 Members resolved that the application should be refused for the following reasons:

The Local Planning Authority consider that the proposed extensions, by virtue of their overall height, 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) 2003, policy HDG3 of the Householder Design Guide as well as guidance contained within the National Planning Policy Framework.

2.0 ISSUES IDENTIFIED BY THE INSPECTOR

- 2.1 The main issues identified by the Inspector were that the appeal site lies within the Green Belt and therefore the following would have to be considered:
- (i) Whether or not the proposed development would represent inappropriate development in the Green Belt;
 - (ii) The effect of the proposal on the openness of the Green Belt;
 - (iii) If it does amount to inappropriate development, whether the harm by way 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 development.

3.0 SUMMARY OF COMMENTS

Inappropriateness

- 3.1 There is no conflict between the policies of the National Planning Policy Framework and local policies which must therefore carry considerable weight.
- 3.2 That the proposed development is well in excess of the 30% limit established in the Householder Design Guide (SPD) policy HDG3.
- 3.3 The two-storey form of the proposed extension across the width of the property, would result in a large structure that would represent a disproportionate addition. In reaching this view the Inspector had regard to both the numerical volume and visual mass (ie bulk) of the extension.
- 3.4 The Inspector considered that as the extension was disproportionate it was inappropriate development, which is, by definition, harmful to the Green Belt. As such, it conflicts with Policy N33 of the UDP, Policy HDG3 of the SPD and with Paragraph 87 of the Framework which specifies that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

- 3.4 Paragraph 79 of the Framework notes that the Government attaches great importance to Green Belts and that the fundamental aim of Green Belt policy is to keep land permanently open; the essential characteristics of Green Belts are their openness and permanence.
- 3.5 The appeal site is set within a ribbon development and it is noted that neighbouring properties have been extended to a similar depth and that there are limited views of the proposed extension from Fieldhead Drive.
- 3.6 The proposal, however, has not been designed to reduce its volume, the height and width of the proposal would enlarge the bulk of the building, particularly at roof level, where the ridgeline would be extended to the rear causing material harm to the openness of the Green Belt.
- 3.7 It was recognised that the proposal would not impact upon long-range views but the development would result in an increase in built development on the site, which

would harm the openness of the Green Belt. This reiterates the fact that openness is not related to how visible a development is.

- 3.8 As such the proposal conflicts with Paragraph 79 of the Framework and Policy HDG3 of the SPD, as the proposal would harm the openness of the Green Belt.

Other Considerations

- 3.9 The Inspector then considered whether there were any very special circumstances which could outweigh the harm through inappropriateness and the harm to openness.

- 3.10 The appellant put forward the argument that the 30% limit was unfair, however the inspector did not agree with this and drew attention to the fact that his judgment that the extension was disproportionate was not solely based on a volume calculation but also on the mass and bulk of the extension.

- 3.11 The appellant also noted that other forms of development could be built under Permitted Development, for instance a 7.95m long single storey rear extension which would have a greater impact upon openness and be more visually harmful. The Inspector gave the PD fallback very little weight as the alternative forms of development were not similar to the planning application and would not provide the accommodation the applicant desires. These were therefore not considered to be reasonable or realistic fall-back positions. The appellant also drew attention to other forms of development around the area in the Green Belt which have been granted planning permission. The Inspector did not consider these developments were similar or suggested precedent had been set. The appellant also drew attention to the large houses around the appeal site which have been extended. The Inspector noted that these were historic extensions judged under a different policy context and that the appeal proposal must be judged on its own merits.

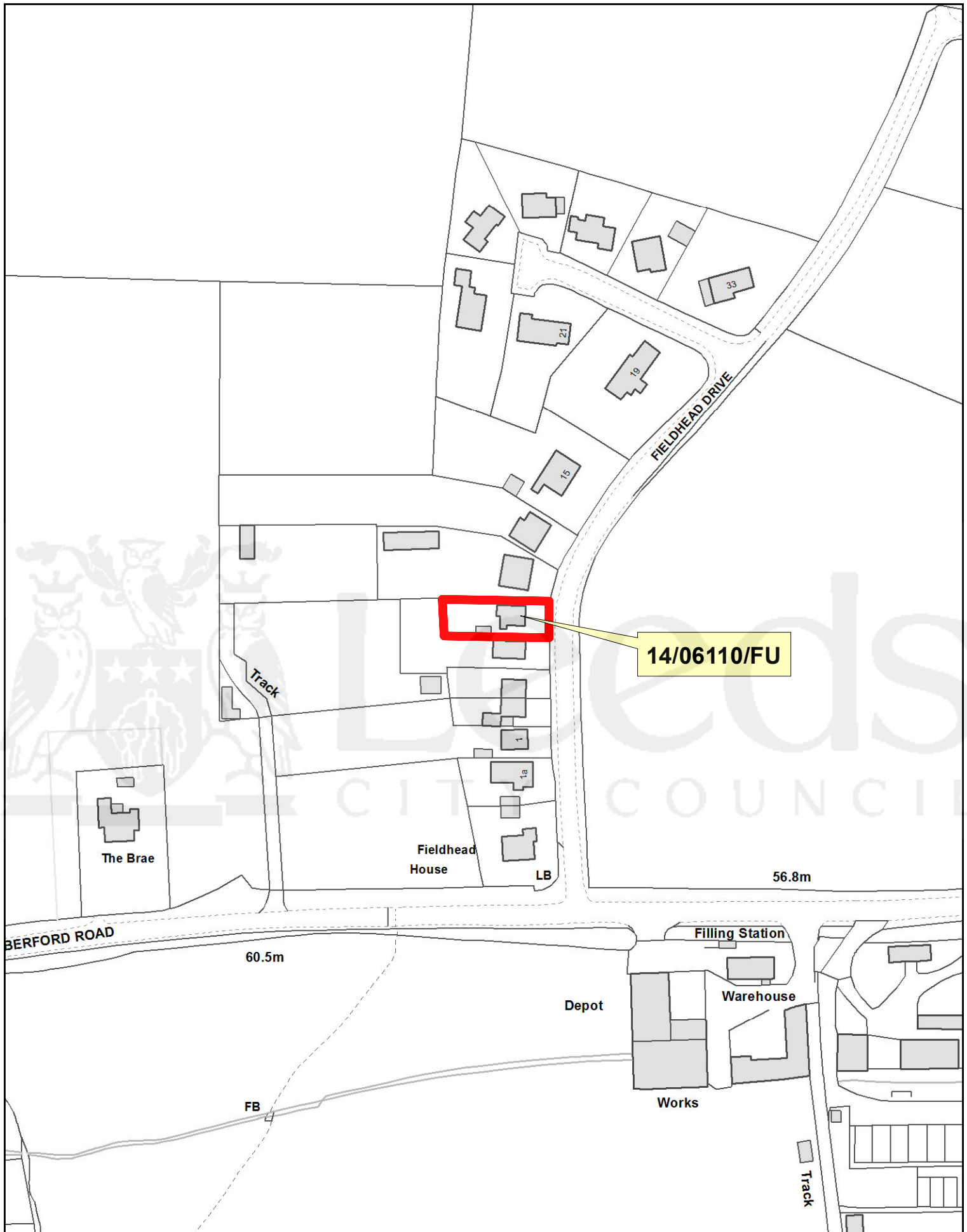
- 3.13 The Inspector noted the appellant's desire to provide additional accommodation and the relative small size of the current dwelling in comparison to neighbouring properties. However, whilst sympathetic to the appellant's requirements in this regard the Inspector noted that such personal considerations do not outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the development.

- 3.14 The Inspector noted that the development was not harmful to neighbors or visual amenity, but considered these neutral elements which did not weigh in favour of the development. Ultimately the extension was disproportionate and thus inappropriate. Harm was also identified to openness. No very special circumstances existed which would outweigh the totality of the identified harm.

- 3.15 The Inspector dismissed the appeal.

4.0 IMPLICATIONS

- 4.1 It is clear from the above decision that planning Inspectors continue to give significant weight to the protection of the Green Belt. Inspectors also consistently consider that local policy HDG3 is compliant with the aims and intentions of the Framework and should be given full weight.



NORTH AND EAST PLANS PANEL

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