



---

## Report of the Chief Planning Officer

### PLANS PANEL NORTH & EAST

Date: 29<sup>th</sup> September 2016

Subject: 16/00015/FU – Two storey and single storey rear extension with canopy to the front and replacement chimney at Beechings, Station Lane, Thorner, Leeds LS14 3JF

#### APPLICANT

Mr and Mrs Ben Moxon

#### DATE VALID

22 January 2016

#### TARGET DATE

18<sup>th</sup> March 2016

---

#### Electoral Wards Affected:

Harewood

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

---

### RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

1. Standard time.
2. Plans to be approved.
3. Sample of walling and roofing materials to be submitted
4. Details of the outbuildings and timescale of demolition to be submitted.
5. Permitted Development right removed for any extensions, garages or outbuildings.

#### 1.0 INTRODUCTION

- 1.1 The application was reported to the 4<sup>th</sup> August 2016 Plans Panel with a recommendation for refusal. The grounds for refusal stated that the proposed extensions to the dwelling represented disproportionate additions to the building which would be harmful to the openness and the character of the Green Belt. As well as the reasons for refusal, Panel Members also discussed the pre-application advice that was given to the applicant. Panel Members sought to defer the application so that a report can be brought back to Plans Panel detailing the pre-application discussions that took place. Members also wanted further negotiations to take place with the applicant to explore whether a revised scheme can be developed that meets planning

policy guidance.

- 1.2 Following the 4<sup>th</sup> August Plans Panel, officers met with the applicant to discuss ways in which the dwelling can be extended without conflicting with planning policy guidance. As a starting point, the discussion centered around existing permitted development rights available to the applicant and the amount, in volume terms, the dwelling can be extended should these permitted development rights were implemented.
- 1.3 The applicant currently has approval for a 8m deep single storey rear extension which was approved under a Prior Notification application (16/04269/DHH) (government statute grants planning permission for such extensions subject to first notifying the local planning authority of the proposal and no objections being received from adjoining residents). The applicant has also submitted an application seeking a Certificate of Proposed Lawful Development (CLP) to establish whether a 3m deep second storey extension can be erected above the approved 8m single storey extension as permitted development. The CLP application also proposes to construct a single storey side extension. Although the CLP is still pending determination, the proposed scheme appears to comply with the Town and Country Planning (General Permitted Development) (England) Order 2015 (the government statute referred to above) and therefore is likely to be approved.
- 1.4 The figures obtained from the applicant, suggests that the extension proposed under this scheme amounts to a volume increase of 86% of the original building. To compensate for some of the additional volume increase a number of outbuildings on the site will be removed, and above mentioned percentage factors in the volume of the development lost as a result of this. The figures obtained also suggest that under permitted development the dwelling can be extended to a greater degree around 110% of the original building. Furthermore, the footprint of the dwelling under the permitted development scheme will also be greater.
- 1.5 It is accepted that the proposal under consideration far exceeds the 30% volume allowance given in the Householder Design Guide for house extension in the Green Belt. However, it is considered that the dwelling can be extended to a significantly greater degree under Permitted Development and that, should these permitted development rights be implemented, the harm to the openness and the character of the Green Belt would be greater when compared to the proposed scheme. Furthermore, weight is also given to the fact that this application presents an opportunity to restrict any further development on the site that can be constructed under Permitted Development; such as a garage. Therefore, finely balancing the merits of the scheme with the fallback position, it is considered that the proposal can be accepted in this instance within this Green Belt location.
- 1.6 With regards to the pre-application advice, it should be noted that this was for a different scheme to what is currently being proposed and to a different Agent. The advice that was given, was based on the information provided to the Local Planning Authority at the pre-application stage of the submission. This information indicated that the dwelling had not been extended previously. Officers did question this assumption, with the Agent before the formal written response was sent to the applicant. The Agent was verbally made aware of the guidance contained within policy HDG3 of the Householder Design Guide and the building cannot be extend more than 30% of its original volume. The written pre-application advice letter clearly states that the advice that was being given was based on the enquirers assertion that the dwelling had not been extend previously and that the extensions proposed did not amount to a volume increase of more than 30% of the original building.

## **2.0 PROPOSAL**

- 2.1 The applicant seeks approval for a part two storey part single storey rear extension and a single storey side extension. A canopy is proposed to the front of the dwelling. A number of out buildings are also proposed to be demolished as part of the scheme
- 2.2 The part single part two storey rear extension, which will incorporate part of the existing two storey extension, will cumulatively measure 9m in depth, 8.2m in width and 7.2m in height. The extension will feature timber boarding and large glazed windows with aluminium frames. The western side elevation of the rear extension will feature a balcony.
- 2.3 A flat roof single storey extension with a balcony above is proposed to be constructed to the side elevation of the main building. The side extension will measure 2m width 6m in depth.

## **3.0 SITE AND SURROUNDINGS**

- 3.1 The host dwelling is a detached brick building located within a streetscene of other detached and also semi detached dwellings. The property features large area of the garden to the side and rear which is enclosed by hedging with some trees. The site is located within the Green Belt and with open areas adjoining it to the north, east and west. It is believed that the property has been extended to the rear with two storey and single storey extensions.

## **4.0 RELEVANT PLANNING HISTORY**

- 4.1 H31/138/76/ Alterations and extension, to form enlarged hall with additional bedroom with w.c. and shower over. Approved
- 4.2 16/04269/DHH- 8.0m single storey rear extension, 3.5m to ridge height (flat roof). Pending Decision
- 4.3 16/04319/CLP- Certificate of proposed lawful development for single storey extension to side and part two storey part single storey extension to rear. Pending Decision

## **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 Following the outcome of the 24 August Plans Panel, discussion where had with the applicant around the Permitted Development rights that exists on the property.

## **6.0 PUBLIC/LOCAL RESPONSE**

- 6.1 Neighbour Notification Letters Posted 12 January 2016.
- 6.2 Two letters of support received commenting that the proposal is appropriate in design and will not have a negative impact upon the openness or the character of the Green Belt.

## **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.

### Development Plan

8.2 The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

8.3 The site is unallocated in the Development Plan, and is adjacent to the Leeds Habitat Network.

8.4 The following Core Strategy policies are relevant:

- P10 – High quality design
- P11 – Relates to heritage assets
- P12- Developments in the Green Belt
- Natural Resources and Waste Local Plan

8.5 The following saved UDP policies are relevant:

- GP5 – General planning considerations
- N25 – Landscaping
- BD5 – General amenity issues
- LD1 – Landscaping
- N33 – Development within the Green Belt

### Supplementary Planning Guidance/Documents

8.6 Household design Guide: HDG1, HDG2, HDG3

### National Planning Policy

8.8 The National Planning Policy Framework (NPPF), published on 27<sup>th</sup> March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

8.9 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. In respect of the green belt and extensions to buildings the NPPF sets out that planning permission should not be granted unless, amongst other factors, "...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”.

## 9.0 MAIN ISSUES

- Principle of development in the Green Belt
- Townscape, Design
- Residential Amenity

## 10.0 APPRAISAL

### Principle of development in the Green Belt

- 10.1 The property is located within the Green Belt. As outlined within the National Planning Policy Framework (NPPF) the essential characteristics of the Green Belt is its openness and their permanence. The construction of new buildings within the Green Belt is inappropriate, except within certain circumstances, one of which is the limited extension of a building, provided it does not result in a disproportionate addition. Policy N33 of the UDPR allows for limited extension to houses. The NPPF provides no guidance on how to interpret what constitutes limited extensions, however the Council adopted Householder Design Guide SPD, notes that an approximately thirty percent increase over and above the volume of the original building is considered to be a reasonable interpretation of limited extension.
- 10.2 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 exceed the thirty percent threshold 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.
- 10.3 The applicant has carried out some definitive volume calculations and it is clear from these that the proposed extensions cumulatively with the existing extensions on the building, will amount to more than a 86% increase in the volume of the dwelling. As part of the scheme a number of outbuildings will be removed, and the volume gained from the loss of these buildings has been factored in with the above percentage figure. Therefore, it is considered that the alterations proposed are disproportionate additions to the building which the NPPF regards as being inappropriate and harmful forms of development in the Green Belt. Green Belt policy states that inappropriate development should be resisted in the Green Belt unless very special circumstances are demonstrated that could outweigh the harm.
- 10.4 By way of demonstrating ‘very special circumstances’ the applicant has argued that the dwelling can be extended to a greater degree under permitted development. The applicant currently has approval for an 8m deep single storey rear extension which was approved under a Prior Notification application (16/04269/DHH). These works constitute permitted development under the terms of the General Permitted Development Order subject to the applicant first notifying the council with the sole consideration being whether an adjoining neighbour objects to the scheme on amenity grounds or not. In the absence of an objection approval must be given (assuming the proposal meets the other permitted development tolerances). The applicant has also submitted an application seeking a Certificate of Proposed Lawful Development (CLP) to establish whether a 3m deep second storey extension can be erected above the 8m single storey extension. This decision simply concerns whether the proposed

works constituted permitted development under the terms of the General Permitted Development Order. The CLP application also proposes a single storey side extension. Although the CLP application has not been determined yet, the scheme proposed under the application appears to comply with the General Permitted Development Order and therefore is likely to be approved.

- 10.5 The figures obtained from the applicant, suggests that the extension proposed under this scheme amounts to a volume increase of 86% of the original building. To compensate for some of the additional volume increase, a number of outbuildings on the site will be removed. The above mentioned percentage figure has factored in the volume gained through the loss of the out buildings. The figures obtained suggest that under permitted development the dwelling can be extended to a greater degree around 110% of the original building. Furthermore, it is suggested that the footprint of the dwelling under the permitted development scheme will be greater.
- 10.6 It is accepted that the proposal under consideration far exceeds the 30% volume allowance given in the Householder Design Guide for house extension in the Green Belt. However, it is considered that the dwelling can be extended to a significantly greater degree under Permitted Development and that, should the permitted development rights be implemented, the harm to the openness and the character of the Green Belt would be greater. Furthermore, weight is also given to the fact that this application presents an opportunity to restrict any further development on the site that could potentially be constructed under permitted development; such as a garage. Therefore, finely balancing the merits of the scheme with the fallback position, it is considered that the fallback position can be taken as the 'very special circumstance' that would materially outweigh the harm the proposal will cause to the openness and the character of the Green Belt.

#### Townscape/ Design

- 10.7 There are no significant concerns regarding the basic design of the two storey extension which seeks to match the form of the existing dwelling. Whilst the wooden cladding and glazing are not a feature of the main building, they will allow the structure to take a light weight subordinate appearance that will complement the main building. The two storey extension proposed to be constructed to the rear of the site will not appear prominent from the street. Therefore, it is not considered that the proposal will harm the character of the area.
- 10.8 The single storey side extension and the canopy to the front is a simple flat roof design which will appear subordinate to the main building and will not harm the design of the building or the character of the area. The extension being constructed towards the rear of the site will not appear prominent from the street or character of the area.

#### Impact on Residential Amenity

- 10.9 As the dwelling is set in a substantial plot with the neighbouring dwellings located a good distance away from the site, it is not considered that the proposal will give raise to issues of over-shadowing, overlooking or dominance.

### **11.0 CONCLUSION**

- 11.1 It is considered that the extensions proposed are acceptable in the Green Belt as the applicant has demonstrate the 'very special circumstance' that would out way the harm identified to the openness and the character of the Green Belt. Furthermore,

the extension is acceptable in design terms and will not harm the amenity of the neighbours. Therefore, it is considered it is considered that the application should be approved.

**Background Papers:**

Application files: 16/00015/FU

Certificate of ownership: Mr & Mrs Moxon

ALL TREES PROTECTED WITHIN BROKEN LINE

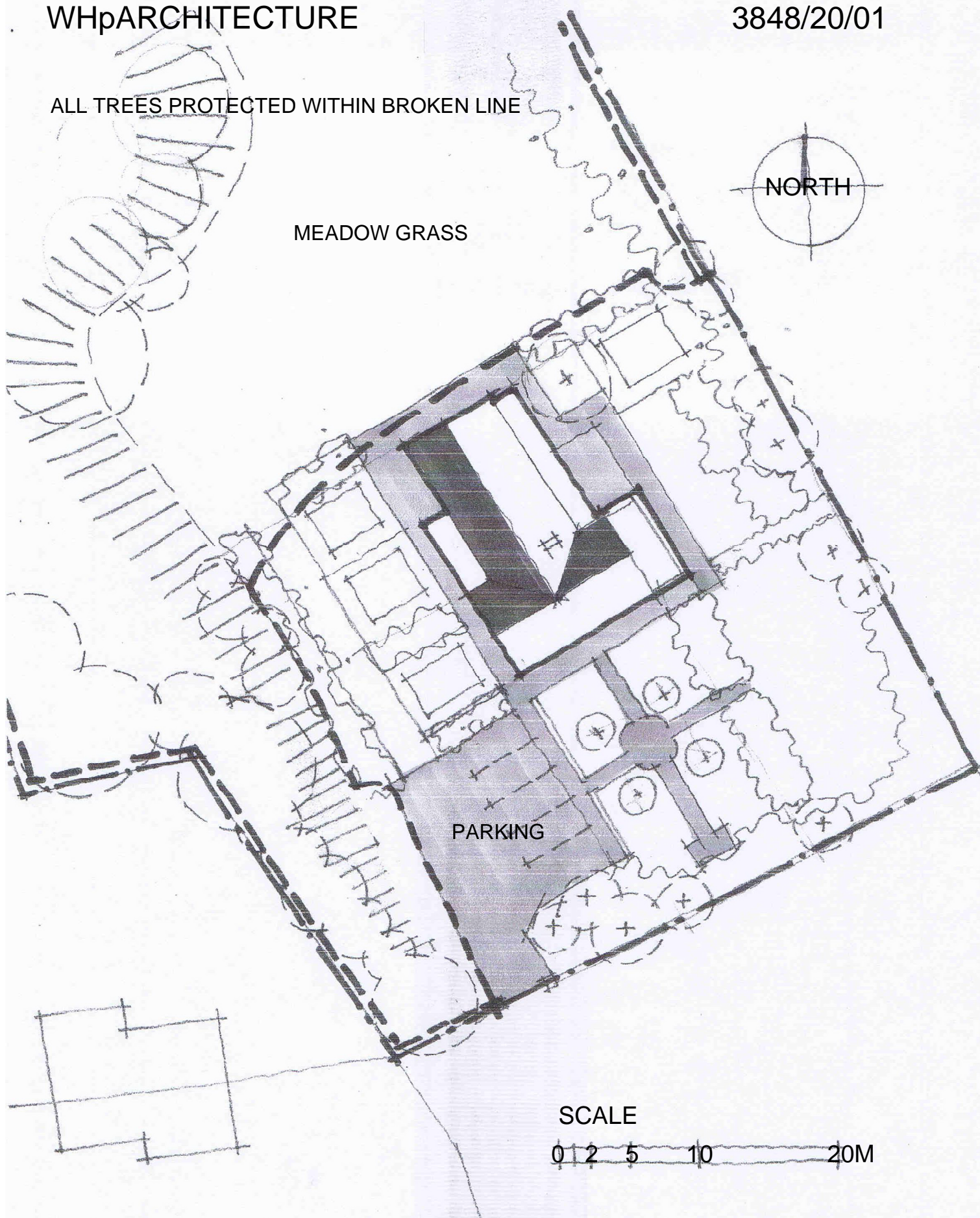
MEADOW GRASS

NORTH

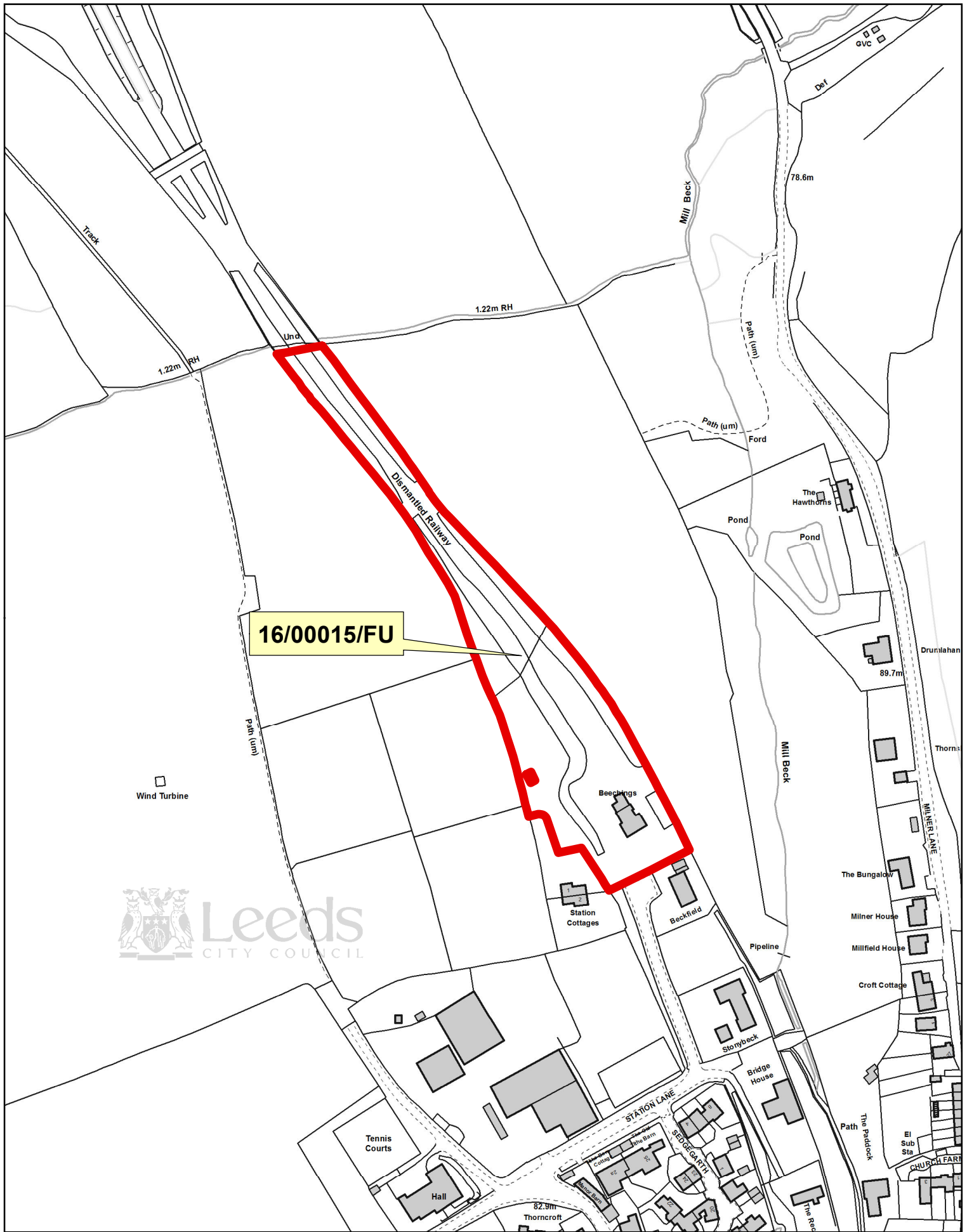
PARKING

SCALE

0 2 5 10 20M







# NORTH AND EAST PLANS PANEL

© Crown copyright and database rights 2016 Ordnance Survey 100019567

PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/2500

