



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 19th April 2012

Subject: 12/00450/FU – Detached garage with first floor office, at The Coach House, Carr Lane, Thorner, LS14 3HF

APPLICANT

Mr Simon Squires

DATE VALID

3rd February 2012

TARGET DATE

30th March 2012

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 PERMISSION for the following reason:

The Local Planning Authority consider that the proposed detached outbuilding by virtue of its overall height, size, scale and siting, coupled with the existing extensions to the dwelling, represents a disproportionate addition to the dwelling which would also harm the openness and character of the Green Belt, and which is 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 Unitary Development Plan Review (2006), policy HDG3 of the Draft Householder Design Guide as well as guidance contained within the National Planning Policy Framework.

1.0 INTRODUCTION

1.1 The application is brought to Plans Panel at the request of Councillor Rachael Procter as it would not harm the openness of the Green Belt.

2.0 PROPOSAL

- 2.1 Permission is sought to construct a detached garage to front/side of the site. This is a substantial building with office accommodation over which is required as the applicant's wish to convert their existing attached garage into additional living accommodation. The proposal is considered to represent inappropriate development within the Green Belt and thus is recommended for refusal.
- 2.2 The proposed garage will measure approximately 6.5m in width, 7.1m in depth and its gabled roof will be 3.2m and 5.3m to eaves and ridge. An external staircase is proposed to the rear giving access into the roof where an office is proposed. The garage will be constructed of stone and will have a slate roof.
- 2.3 It is noted that two linked applications (12/00385/FU and 12/00386/LI) which relate to the conversion of the garage and other internal works to the listed building are to be recommended for approval under delegated powers as these do not raise concerns for local councillors and are compliant with the relevant policies and guidance.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a converted ancillary outbuilding of Eltofts House, a late eighteenth century dower-house of the Earls of Mexborough. The application dwelling is the former coach-house and is constructed from punch-dressed magnesian limestone and has a blue slate roof. The dwelling retains its historical form and details such as the arched cart openings to the north elevation mean that its former function is clearly evident and such details play an important part in creating its character. The dwelling is part of a small enclave of dwellings which have been converted from the former outbuildings and servant's accommodation of Eltofts House and these structures complement each other, creating a unified group character. The application dwelling is listed.
- 3.2 The property was converted to a residential dwelling in the mid 90's (33/26/95/FU) and a large single storey hipped roof structure to the front and side was added and provides an attached double garage and living accommodation. This structure was extended to the side and rear in 2000.
- 3.3 The property is located within extensive grounds with the garden extending south toward the open fields and Carr Lane, with the land falling away. There are trees located within close proximity of the site of the garage and also a detached shed.
- 3.3 The dwelling is set within the Green Belt and a Special Landscape Area.

4.0 RELEVANT PLANNING HISTORY:

| | |
|-------------|--|
| 33/26/95/FU | Change of use of dwelling and stable block to form 4 dwellings and erection of 4 bedroom dwelling Approved |
| 33/27/95/LI | Listed building application for conversion of dwelling and stables to form 4 dwellings and erection of new dwelling Approved |
| 33/51/00/FU | Single storey side/rear extension Approved |
| 33/96/00/LI | Listed building for single storey side/rear extension Approved |

| | |
|-------------|--|
| 07/04082/FU | Single storey side extension Approved |
| 11/03555/FU | Internal and external alterations including new windows and roof lights; conversion of existing double garage to habitable room; new detached double garage with study above and open porch to front Withdrawn |
| 11/03556/LI | Listed Building application for internal and external alterations including new windows and roof lights, conversion of existing double garage to habitable room; new detached double garage with study above to side and open porch to front 6 bedroom detached house with detached garages and store Withdrawn |
| 12/00385/LI | Listed Building application for internal and external alterations, new entrance portico and infill extension Approval Recommended |
| 12/00386/FU | Alterations including conversion of garage to form habitable room, infill extension and new entrance portico Approval Recommended |

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 An application for a substantially similar development was submitted in September of 2011. This sought consent for the conversion of the existing garage, internal alterations to the listed building and a new build garage to the front/side of the site. Although the conversion of the garage and the alterations to the Listed Building were not considered particularly controversial (subject to the revision of some details) the principle of further extending a dwelling within the Green Belt by creating a replacement garage was not considered acceptable. The applications were withdrawn.
- 5.2 Pre-application advice was sought in early 2012 which sought to establish the main concerns in respect of the previous application. These were agreed to be:
- the impact of the replacement garage upon the Green Belt;
 - the impact of the alterations upon the character of the listed building.

Officers were of the opinion that marginally revised details in respect of the conversion works would overcome concerns regarding the impact upon the listed building, however the principal of additional development within the Green Belt was not acceptable.

- 5.3 Following this advice the two elements of the scheme have been split, so that the internal works and marginal extension of the listed building are dealt with under one set of consents (and are recommended to be approved) and the replacement garage assessed under a second set of consents. This would then allow the applicant's to exercise their right to appeal in respect of the garage without prejudicing the internal alterations and conversions.

- 5.4 Further discussions during the course of the application with the applicant's and the agent have resulted in some small changes to the scheme. These are that:
- the garage has been marginally dug into the ground (300mm);
 - the position of the garage has been marginally revised to draw it closer to the complex of dwellings;
 - a round window detail to the upper floor has been altered to square.

Although these revisions do marginally improve the scheme the proposal is still not, in principal, considered to be acceptable.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by neighbour notification letter, site notice and a notice in the paper.

The occupants of 'The Lodge' express support for the proposal and consider that it will not harm the visual appearance of the area.

The occupants of 'The Granary' express no objection to the proposal.

The occupants of 'The Old Barn' consider that the garage will not have a detrimental impact.

The occupants of 'The Old Gatehouse' express no objection to the proposal.

The occupants of 'The Stables' express no objection to the proposal.

7.0 CONSULTATIONS RESPONSES:

- 7.1 None

8.0 PLANNING POLICIES:

- 8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this application.
- 8.2 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

- 8.3 UDP Policies:

N33 Except in very special circumstances approval will only be given in the Leeds green belt for:

- Construction of new buildings for purposes of agriculture and forestry; essential facilities for outdoor sports and outdoor recreation; essential facilities for the park and ride sites shown on the proposals map; and other uses compatible with green belt purposes;
- Limited extension, alteration or replacement of existing dwellings;
- Limited infilling and redevelopment of identified major existing developed sites;
- Limited infilling in villages and limited affordable housing for local community needs.
- Re-use of buildings, where all the detailed criteria of policy gb4 are satisfied;
- Change of use of land for purposes which do not compromise green belt objectives;
- Cemeteries.

Development within the green belt will only be permitted if it conforms to the detailed green belt policies contained in appendix 5 in volume 2.

N37

In the designated special landscape areas, development will be acceptable provided it would not seriously harm the character and appearance of the landscape. The siting, design and materials of any development must be sympathetic to its setting and, where necessary, landscaping of the site will be required.

LD1

Any landscape scheme should normally:

- i. Reflect the scale and form of adjacent development and the character of the area;
- ii. Complement and avoid detracting from views, skylines and landmarks;
- iii. Provide suitable access for people with disabilities;
- iv. Provide visual interest at street level and as seen from surrounding buildings;
- v. Protect existing vegetation, including shrubs, hedges and trees. Sufficient space is to be allowed around buildings to enable existing trees to be retained in a healthy condition and both existing and new trees to grow to maturity without significant adverse effect on the amenity or structural stability of the buildings;
- vi. Complement existing beneficial landscape, ecological or architectural features and help integrate them as part of the development;
- vii. Be protected, until sufficiently established, by fencing of a type appropriate to the prominence of the location, around all those parts of the landscaping susceptible to damage.

N16 Extensions to listed buildings will be accepted only where they relate sensitively to the original buildings. In all aspects of their design, location, mass and materials, they should be subservient to the original building.

GP5 Refers to proposals resolving detailed planning considerations (access, landscaping, design etc), seeking to avoid problems of environmental intrusion, loss of amenity, danger to health or life, pollution and highway congestion and to maximise highway safety.

BD6 All alterations and extensions should respect the scale, form, detailing and materials of the original building.

8.4 Householder Design Guide SPD:

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;

HDG3 All extensions 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.

8.5 National Planning Policy Framework

This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design.

Specific advice is offered in relation to Green Belts where it notes that there is a general presumption against inappropriate development within the Green Belt. Limited extensions may not be inappropriate development within the Green Belt provided that they do not result in disproportionate additions over and above the size of the original building.

In respect of heritage local planning authorities are encouraged to sustain and enhance the historic environment.

9.0 MAIN ISSUES

- 1) Green Belt
- 2) Listed Building/Design and Character
- 3) Trees
- 4) Neighbour Amenity

10.0 APPRAISAL

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 Green Belt are their 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. This advice is replicated in policy N33 of the UDPR. The NPPF provides no guidance on how to interpret what constitutes limited extensions, however the 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. 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 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. The proposal is considered to raise concerns in respect of both disproportionality and openness and these will each be discussed in turn.
- 10.2 As noted above the property is a converted former coach house which was granted consent in 1995. As part of this conversion the addition of a large, hipped roof single storey extension to the front and side was allowed. This is considered to be an extension and thus the original building is the former coach house. This is disputed by the applicants who have submitted a Planning Statement with the application in which it is noted that General Permitted Development Order defines the original dwelling as that which existed on site on July 1st 1948, or if after this date, as built. This application does not seek to establish whether or not the application is Permitted Development (which it is not), but is seeking planning permission. As such planning policies are the are the main material consideration. The National Planning Policy Framework which was adopted on 27th April 2012 does not include this definition, and notes in paragraph 89 that the “local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are...the extension or alteration of a *building...*”. The existing garage is clearly an extension to the building and thus for the purposes of this application will be classed as an addition to the original building.
- 10.3 Within this Planning Statement it is also claimed that the LPA has no policy foundation for its approach to Green Belt policy; this is incorrect. The Householder Design Guide clearly outlines the position of the LPA in respect of the Green Belt (see para 10.1) and this has been in the public domain since September of 2011. Although this document is now adopted, several Green Belt decisions were made

when the document was in draft form and appeal decisions have been received. The comments of the Inspectors have been supportive and some weight was attached to even the draft document. As such the LPA not only has a policy foundation for its Green Belt Policy but this approach has been supported by the Inspectorate.

- 10.4 In respect of this application the question is therefore whether the cumulative volume of the existing additions to the dwelling exceed the thirty percent threshold which is considered to represent limited development. Volume calculations have been undertaken, and from these it is clear that the existing garage and its extensions exceed this threshold by some way.

| | | |
|----------------------------------|-------------------|------|
| Original dwelling | 495m ³ | |
| Existing extensions | 475m ³ | 96% |
| Existing and proposed extensions | 660m ³ | 133% |

This then means that the existing extensions to the dwelling give an increase of nearly one hundred percent and whilst this is compliant with the old approach to the Green Belt, (which was criticised by the Inspectorate), it is not compliant with current policy guidance. It is therefore the position of the authority that additional development of the dwelling, other than that which could be argued to be de minimis, cannot in principle be considered acceptable. Any additional development would represent a disproportionate addition to the original building and disproportionate additions to buildings are inappropriate development and inappropriate development is, by definition harmful to the Green Belt.

- 10.5 The proposal is also considered to raise concerns in respect of openness. The garage which is proposed is not a small structure and with the accommodation to its upper floor also has a reasonably substantial height. The land levels of the site also mean that the garage is set within an elevated location, and this further heightens the concerns in respect of openness.

- 10.6 It is accepted that the garage is to be located close to the existing envelope of buildings. However the garage is both large and tall, and does project out into open areas, with the majority of the garage lying beyond the existing developed area. It is accepted that the agent has made some attempt to overcome the concerns of the authority by digging the garage into the ground by 300mm and moving the garage forward within the site, however these are marginal changes which do not fundamentally address the concerns raised.

- 10.7 As such, the garage is considered to represent inappropriate development, being a disproportionate addition to the original building and having a negative impact upon openness. This then means that, unless very special circumstances exist to outweigh this harm, the proposal should be refused.

- 10.8 The applicant requests that the following are considered:
- that the proposal is commensurate with the need of a modern family in respect of secure car parking and storage;
 - that other similar structures exist close by;
 - that the garage is well designed, has a pitched roof and will not overdominate the dwelling.

These will each be discussed in turn.

- 10.8 Personal circumstances could be considered to be very special circumstances, however each case must be assessed on its own merits. In this instance the desire

for a detached garage with accommodation/storage over is not a special circumstance, and indeed as the recent history of applications to the LPA demonstrates is a very common circumstance. Furthermore it is noted that the need for the garage only arises due to the desire to convert the existing garage and its substantial roofspace into additional accommodation. Therefore the suggestion that the desire for secure parking can, in isolation, be considered the circumstances of this application is a little misleading. The circumstances of the application are the desire for additional living accommodation and this is not a very special circumstance.

- 10.9 The presence of other similar structures nearby is also not considered to represent very special circumstances. Firstly, not only must each application be determined on its own merits (and the merits of this application in relation to nearby development has been discussed in paragraph 10.6 above), but secondly the application site already has a large, double garage similar to that of the neighbours. It is this structure which is to be converted to living accommodation. As such the wish to create additional garaging subsequent to the loss of existing garage to provide additional accommodation cannot be considered similar to surrounding dwellings and no direct comparison should be drawn. It is also noted that extensions to neighbouring dwellings have been refused.
- 10.10 The design of the structure is also not considered to represent very special circumstances. It is accepted that the garage is appropriate to the design and style of both the dwelling and the complex and this matter will be discussed further in paras 10.13-10.16. However, this is not considered to amount to very special circumstances, and is instead the wholly ordinary circumstance, whereby it is expected that development proposals will always be well designed and will not harm the character of the dwelling and the surrounding area. Furthermore it is well established that the quality of the landscape is not relevant to the inclusion of land within the Green Belt and thus the construction of a building of architectural merit does not override the need to keep land within the Green Belt permanently open.
- 10.12 As such, although the outbuilding is considered to be a disproportionate addition within the Green Belt, its overall size, scale and siting mean that it would have a negative impact upon openness and the proposal must be considered to be inappropriate development within the Green Belt and therefore harmful. As no very special circumstances have been demonstrated the application is considered contrary to the aims and intentions of the National Planning Policy Framework, Policy N33 of the Unitary Development Plan and Policy HDG3 of the Draft Householder Design Guide and is recommended for refusal.

Listed Building/Design and Character

- 10.13 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 N16 states that extensions to listed buildings will only be acceptable where they relate sensitively to the character of the dwelling, and further general guidance in respect of design is given in policies GP5 and BD6 of the UDP and also the Householder Design Guide. It is considered that the proposal complies with the aims and intentions of these policies.
- 10.14 As noted above the dwelling is a converted outbuilding of Eltofts Manor and the listed building retains its agrarian vernacular form. At the time of conversion a large,

hipped roof side/front extension was allowed and the shape, scale and form of this addition do not particularly reflect the appropriate or style of the listed building. The dwelling is set within a complex of other vernacular buildings which historically had various functions, and these are stone built dwellings with a mix of hipped and gabled roofs. These buildings are set in small clusters which combine to create a unified group.

- 10.15 The garage which is proposed is a stone built, gabled structure. Although its proportions are considered to be a little excessive, with the eaves sitting tall in relation to the overall height of the structure, it is not overdominant in relation to the dwelling or the scale of surrounding development, and its simple shape and form are appropriate to its agrarian context and the wider landscape. The structure is sufficiently detached from the listed building so as not to be read in close conjunction and it will not have a significantly negative impact upon its character. The detail of the garage is also acceptable; it will be built of matching materials and, at the request of officers, a small porthole to the front elevation has been amended to a square window.
- 10.16 As such the proposal is considered to comply with the aims and intentions of the policies noted above.

Trees

- 10.17 As is indicated on the location plan submitted with the application there are trees located within proximity of the proposed garage and given this proximity and the proposal to dig down, these may be affected by the development. However, the amendments which have been made to the application and the resiting of the garage mean that the structure is now approximately 12.0m from the nearest tree and thus a significantly negative impact is not anticipated. This said, were consent to be considered, it would be preferable to impose a landscape condition to ensure that replacement specimens were provided should works result in the death or decay of trees for a period of five years, in order to ensure that the development did not cause unreasonable harm to the landscape.
- 10.18 As such the proposal is acceptable in this regard.

Neighbour Amenity

- 10.19 Although a reasonably substantially sized structure the garage is not located in close proximity to neighbouring garden areas or main windows, and thus raises no concerns in this regard.

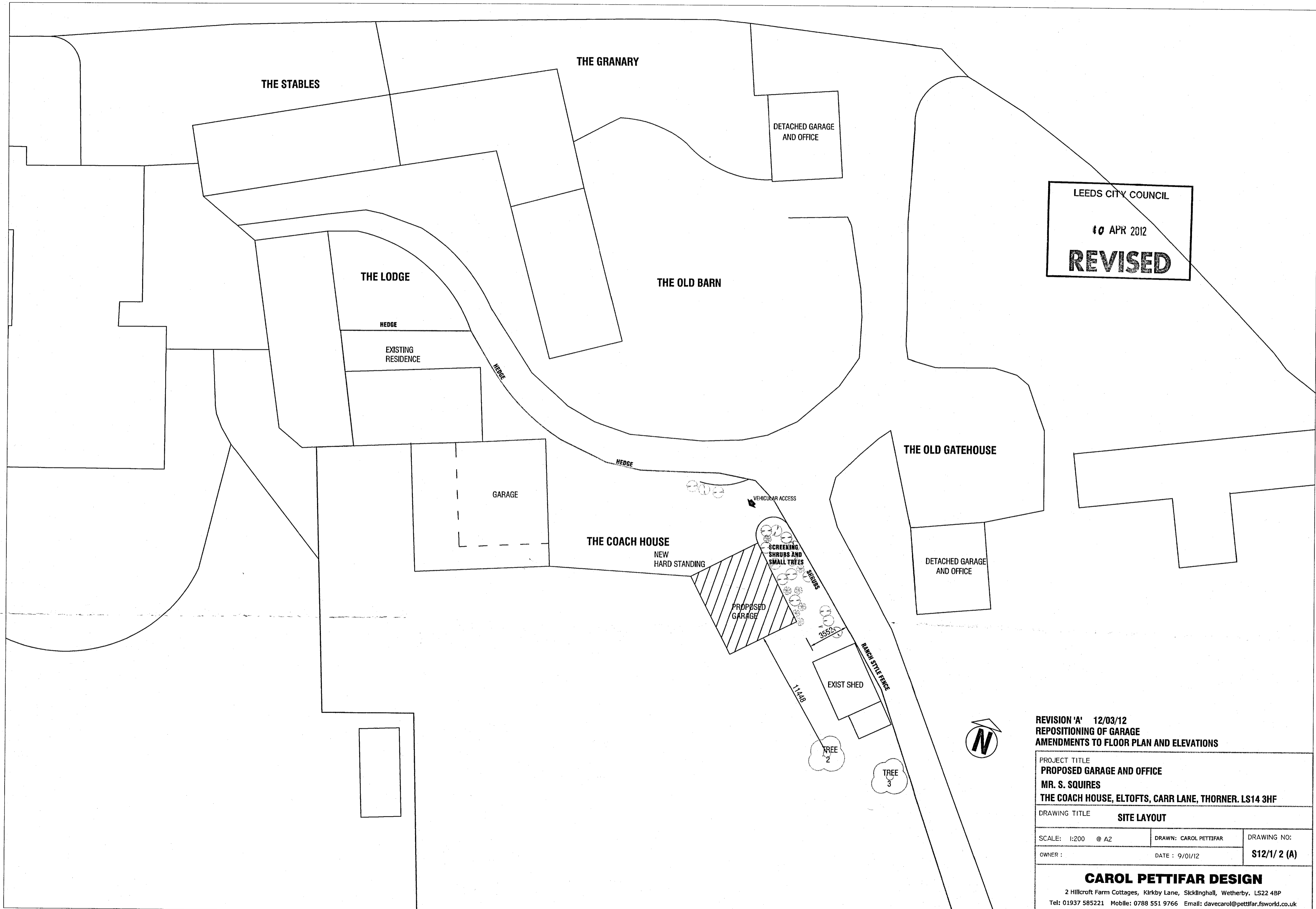
11.0 CONCLUSION

- 11.1 The planning application is therefore not considered to be acceptable. Whilst there are no significant concerns regarding the design of the structure, this does not outweigh the significant harm which would be the further extension of an already disproportionately extended dwelling within the Green Belt, as well as the harm caused to openness by the introduction of an outbuilding of this size and scale. As such the proposal represents inappropriate development in the Green Belt. Inappropriate development is, by definition harmful. As no very special circumstances have been demonstrated to outweigh this harm the proposal is recommended for refusal.

Background Papers:

Application files 12/00450/FU

Certificate of ownership: Certificate A signed by agent



LEEDS CITY COUNCIL
 10 APR 2012
REVISED

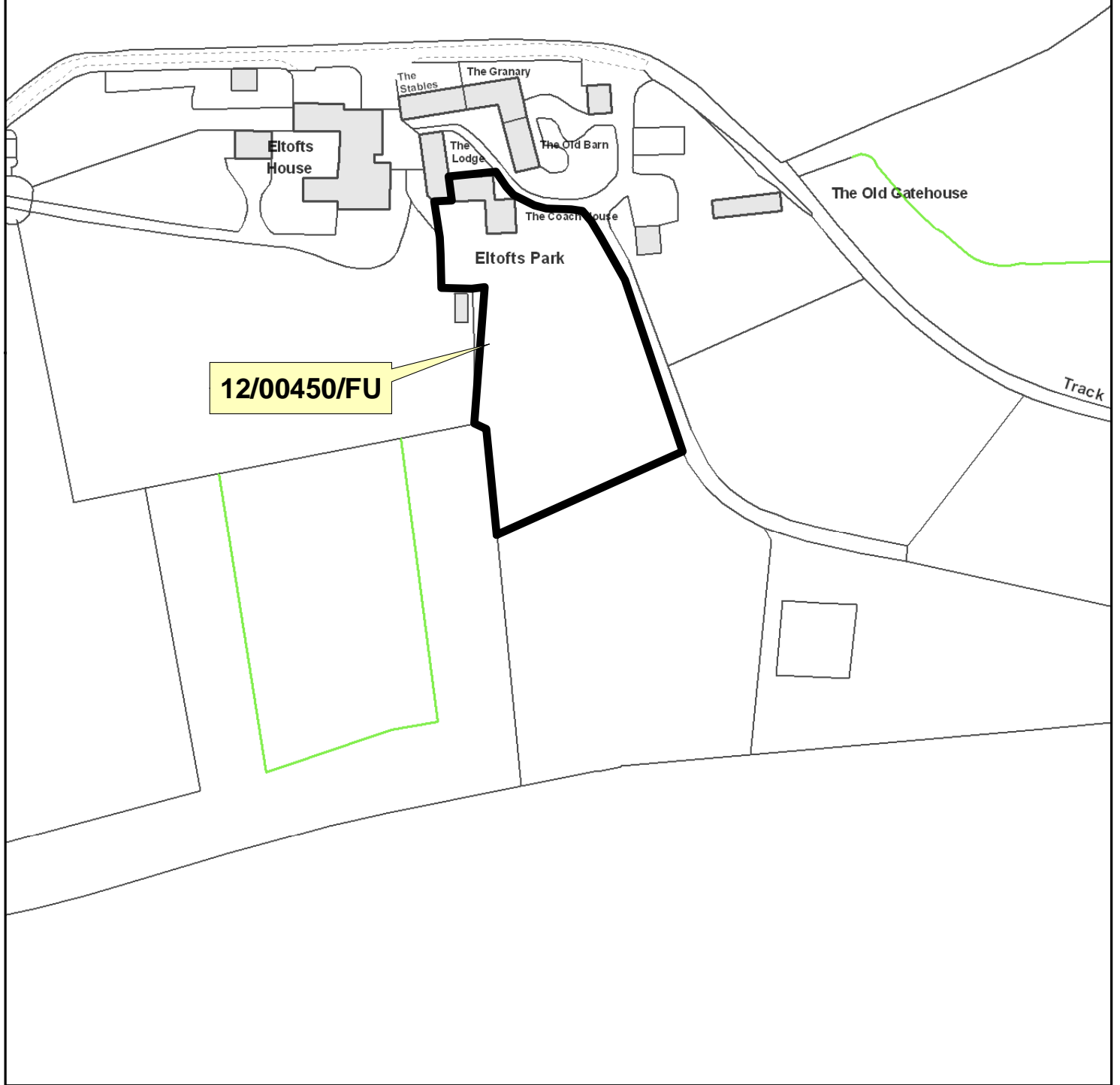
REVISION 'A' 12/03/12
REPOSITIONING OF GARAGE
AMENDMENTS TO FLOOR PLAN AND ELEVATIONS

PROJECT TITLE
PROPOSED GARAGE AND OFFICE
MR. S. SQUIRES
THE COACH HOUSE, ELTOFTS, CARR LANE, THORNER. LS14 3HF

DRAWING TITLE
SITE LAYOUT

| | | |
|-------------------|-----------------------|---------------------|
| SCALE: 1:200 @ A2 | DRAWN: CAROL PETTIFAR | DRAWING NO: |
| OWNER : | DATE : 9/01/12 | S12/1/ 2 (A) |

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EAST PLANS PANEL

