



## Report of the Chief Planning Officer

### PLANS PANEL NORTH & EAST

Date: 16<sup>th</sup> May 2013

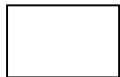
Subject: APPEAL SUMMARY

Planning Application 12/00450/FU – Appeal by Mr S Squires against the decision of Leeds City Council to refuse planning permission for a detached garage with first floor office at The Coach House, Carr Lane, Thorner, LS14 3HF

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 and costs decision.

### 1.0 BACKGROUND

- 1.1 The appeal decisions relate to the refusal of planning permission for a detached garage with first floor office at The Coach House, Carr Lane, Thorner, LS14 3HF for the following reason;

The Local Planning Authority considers 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 Leeds Unitary Development Plan (Review) 2006, policy HDG3 of the Householder Design Guide as well as guidance contained within the National Planning Policy Framework.

- 1.2 The application for the detached garage with first floor office above was first discussed at the meeting of Plans Panel East on 19<sup>th</sup> April. The main issue in relation to the development was the impact on the openness of the Green Belt and compliance with the approved policy for house extensions in the Green Belt.
- 1.3 At that meeting members resolved not to accept the officer recommendation to refuse planning permission and were minded to approve the application subject to appropriate conditions. In reaching their decision the Panel noted that the City Council's planning policy allowed for extensions to dwellings that increase their size by up to 30% above that of the original dwelling. The proposal before Members would result in a 133% increase. It was also noted that no objections had been raised by neighbours and that that the use of the garage could be controlled by planning conditions.
- 1.4 The application was reconsidered at the meeting of Plans Panel East on 17<sup>th</sup> May. The report presented to Members asked the meeting to consider further information before coming to a final decision. This information was:
- the council's Green Belt Policy;
  - the need to make decisions which were complaint with the development plan;
  - recent Inspectors decisions relating to the Green Belt;
  - consistency of decision making;
  - an ombudsman case relating to Bolton Council.
- 1.5 Following further discussion and contributions from the Legal Officer members resolved to refuse planning permission for the reason noted in para 1.1

## **2.0 ISSUES IDENTIFIED BY THE INSPECTOR**

- 2.1 The Inspector identified the main issues to be whether:
- the garage/home office is inappropriate development in the Green Belt;
  - there would be any other harm to the Green Belt and;
  - whether the harm by reason 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 BY THE INSPECTOR**

### Inappropriate Development

- 3.1 The Inspector noted that The Coach House was created in 1995 from an 18<sup>th</sup> century coach house and that extensions were allowed at the time of conversion, with an additional extension allowed in 2000. The Inspector summarised the national and local policy situations, noting the NPPF, the UDP and policy HDG3 of the Householder Design Guide. Particular attention was drawn to the use of the phrase 'original building' within the NPPF and the thirty percent threshold of the Design Guide.
- 3.2 The Inspector considered that the volume of The Coach House prior to its conversion should be taken as the original dwelling and all additions from that point forth, including those allowed at the time of conversion, should be considered extensions. Both parties calculated the cumulative volume increase to be

significantly above the thirty percent threshold and the Inspector noted that adding the garage/home office to the other extensions would result in an building significantly larger and disproportionate to the size of the original building. Consequently the garage/home office would be inappropriate development that is, by definition, harmful to the Green Belt and in conflict with the NPPF, Policy N33 and Policy HDG3.

#### Any other issues

- 3.3 The Inspector noted that the footprint of the garage was large, and that landscaping was proposed and that it was also intended to set the building slightly into the ground. However, the Inspector considered that a building of the size proposed and in the position proposed would be a prominent addition and that its size and bulk would reduce, and consequently harm, the openness of the area.

#### Any Other Considerations

- 3.4 The Inspector noted that the appellant had presented personal circumstances as a consideration which should outweigh the harm to the Green Belt caused through inappropriateness. Whilst acknowledging that the garage/home office would make the house into a more suitable property for the appellant's family the Inspector noted that planning permissions relate to land and property and not the current occupiers. He went on to note that in such a situation the personal circumstances of residents will seldom outweigh general planning considerations and drew attention to the fact that this was explained within the council's Green Belt policies.

#### Conclusion

- 3.5 The inspector therefore concluded that the garage/home office would be inappropriate development and would cause harm to openness and that the benefits of the other considerations, including the personal circumstances of the appellant did not clearly outweigh the significant harm the structure would cause.

### **4.0 COSTS DECISIONS**

- 4.1 Both parties had submitted costs claims against the other. Both costs claims were dismissed.

- 4.2 In the case of the appellant it was claimed that the council had acted unreasonably by;

- presenting a second report to the panel after the first meeting;
- not allowing the applicant to personally address the second panel meeting and;
- through a change in the composition of Plans Panel between the two meetings.

- 4.3 In dismissing the costs claim the Inspector noted that the authority did not determine the application at the first meeting and that further discussion was not unreasonable. The Inspector also drew attention to the need for councils to determine like cases in a like manner and specifically noted that care is needed, through debate and discussion, involving both Councillors and officers, to ensure properly considered decisions are made. The Inspector also noted that the appellant had been kept informed throughout and that although the decision making process may have appeared convoluted it was not unreasonable nor procedurally at fault.

- 4.4 The Inspector noted that the decision not to allow the appellant to speak was compliant with the council's adopted procedures and although the composition of the panel had changed following the local elections, the two new members did not vote. In reaching his conclusion the Inspector considered that the council had substantiated its reason for refusal with clear reference to the relevant local and national policies and that the decision was reasonably made. As such unreasonable behaviour resulting in unnecessary expense had not been demonstrated.
- 4.5 In the case of the council it was claimed that the appellant had acted unreasonably in;
- pursuing an appeal clearly contrary to nation and local policy;
  - pursuing an appeal for inappropriate development in the Green Belt without adequate supporting evidence, and;
  - pursuing an appeal which relies upon substantial new evidence not made available at the time the council considered the application.
- 4.6 In dismissing the costs claim the Inspector noted that decision to dismiss the appeal involved two judgements; whether inappropriate development was involved and, if so, whether other considerations outweighed the harm. The Inspector noted that there is some ambiguity in advice regarding inappropriate development, relating in part to the definition of 'original', particularly in instances where dwellings have been formed from non-residential buildings. It was also noted that the thirty percent threshold did not represent a definite figure which would be applicable in every case. As such the Inspector considered that because some judgements needed to be made pursuing the appeal was not unreasonable and that because the appellant's case was not entirely without merit sufficient evidence had been presented.
- 4.7 The inspector considered that although the personal circumstances put forward by the appellant did not amount to very special circumstances, it was not unreasonable to submit that they might be. The Inspector also noted that the appellant would have been encouraged in his appeal by the Plans Panel deliberations which indicated that the Council formally felt the appellant's personal circumstances had some merit. As such unreasonable behaviour resulting in unnecessary expense had not been demonstrated.

#### **4.0 IMPLICATIONS**

- 4.1 The dismissal of the appeal for the detached garage with office over continues a pattern of successfully defending inappropriate development within the Green Belt. The Inspector was clear the tests the council apply are correct and gave significant weight to the adopted policies of the council, including policy HDG3 of the Householder Design Guide. The Inspector provided useful clarification on the starting point for calculating the 'original' house when dealing with applications to converted dwellings, noting that the NPPF made reference to the 'original building' and that this should be considered the building prior to its conversion.
- 4.2 The Inspector was also clear that the personal circumstances of appellants will seldom outweigh general planning considerations and that authorities must make robust and properly considered decisions in line with the adopted development plan.

#### **Background Papers**

12/00450/FU

Inspector's Decision Letter

P/13/00565/FU/HE

**P/13/00565/FU/HE**

Mrs S Yousaf

41A Stainburn Crescent  
Leeds  
LS17 6NE

Two storey, single storey side/rear extension and re-siting of steps with railings above to rear

Library:

Ward: Moortown

Decision by:

**1 April 2013**

Publicity Expires: 8 March 2013

Valid: 4 February 2013

Actions Taken	Date	Initials
Initial Documents Scanned	8/2/13	LS
All Docs and Decision Scanned		













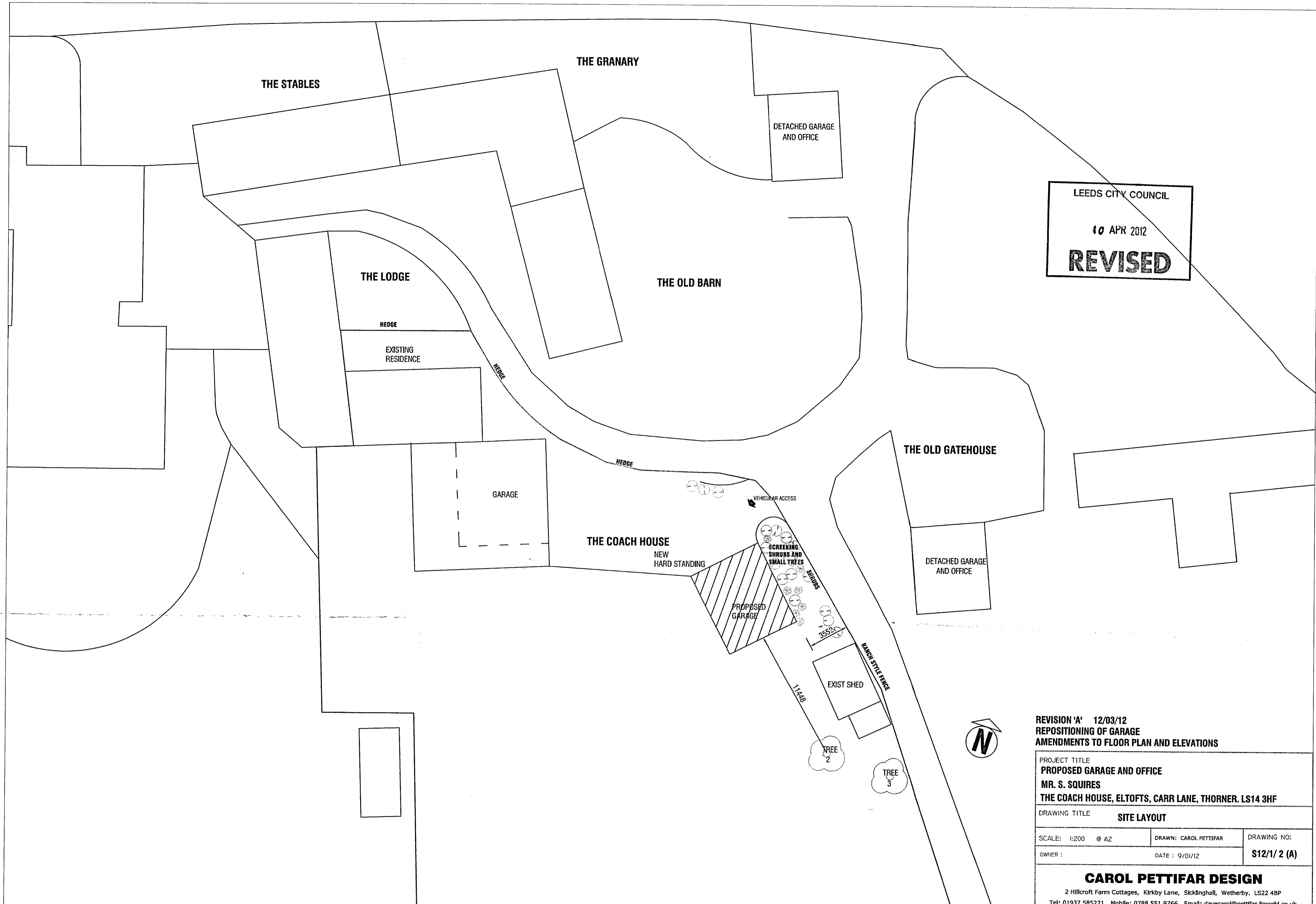












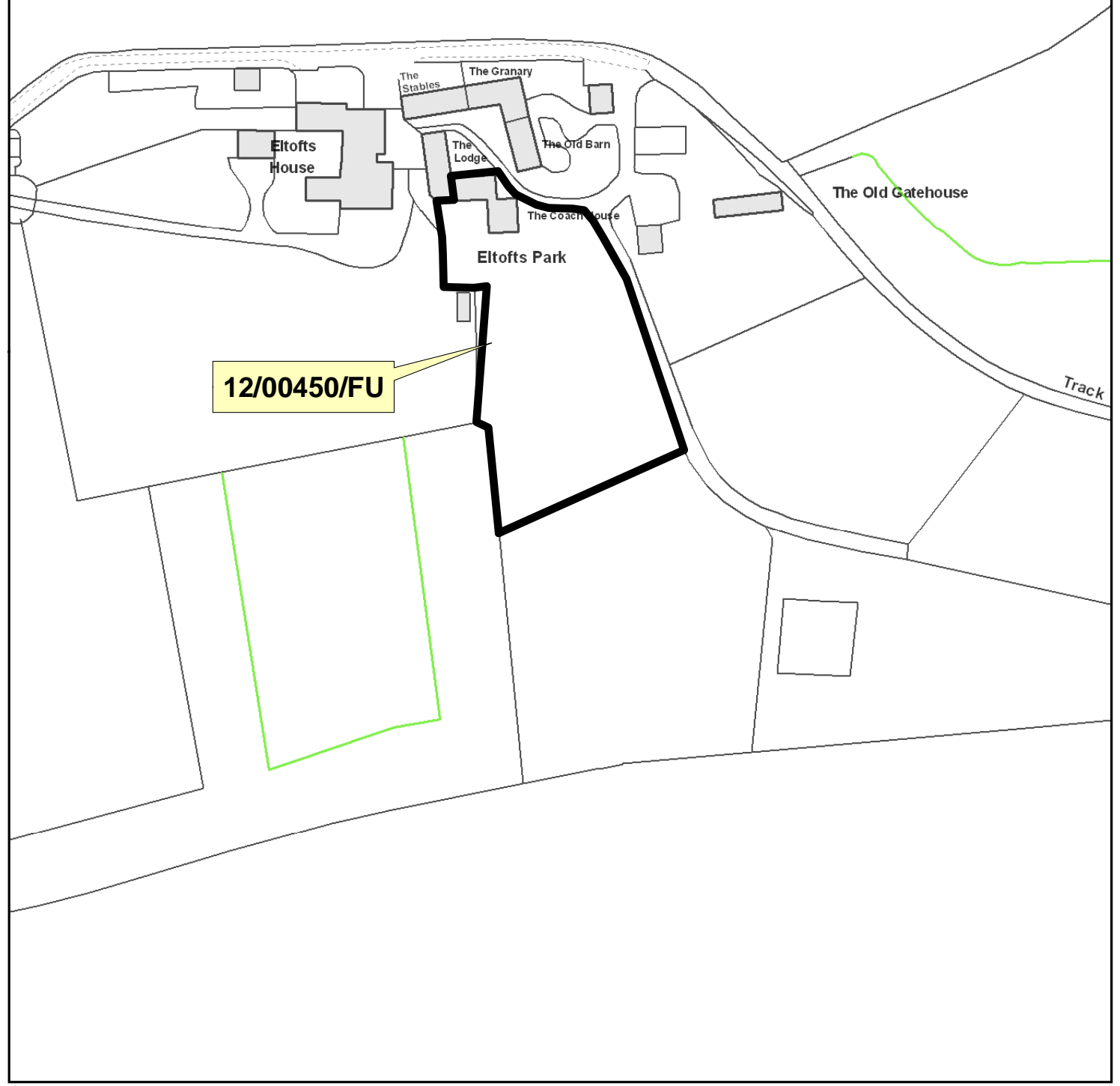
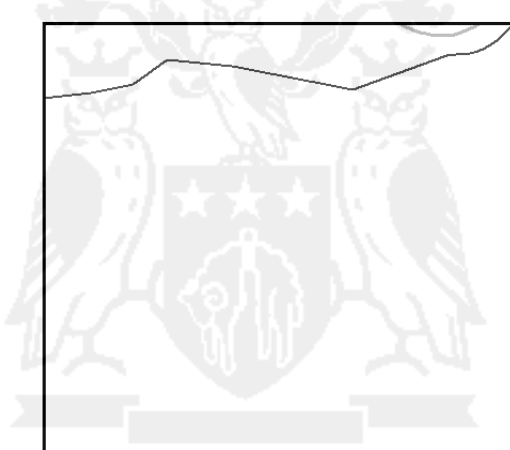
LEEDS CITY COUNCIL  
 10 APR 2012  
**REVISED**

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

PROJECT TITLE <b>PROPOSED GARAGE AND OFFICE</b>		
MR. S. SQUIRES THE COACH HOUSE, ELTOFTS, CARR LANE, THORNER. LS14 3HF		
DRAWING TITLE <b>SITE LAYOUT</b>		
SCALE: 1:200 @ A2	DRAWN: CAROL PETTIFAR	DRAWING NO:
OWNER :	DATE : 9/01/12	<b>S12/1/ 2 (A)</b>

**CAROL PETTIFAR DESIGN**

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12/00450/FU

## EAST PLANS PANEL

