



## Report of the Chief Planning Officer

### *PLANS PANEL EAST*

Date: 23rd February, 2012

Subject: APPLICATION 11/05007/FU – Detached double garage to rear.  
Old Village hall, Village Road, Eccup

| APPLICANT     | DATE VALID | TARGET DATE |
|---------------|------------|-------------|
| Mr M Hourigan | 28.11.11   | 23.01.12    |

#### Electoral Wards Affected:

Alwoodley

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

**REFUSE PLANNING PERMISSION for the following reasons:**

1. The site lies within an area defined as Green Belt and the Local Planning Authority considers that the proposed garage constitutes inappropriate development in the Green Belt as it represents a disproportionate addition to the host property (when considered with the newly converted and extended dwelling as constructed) which in light of the guidance in Planning Policy Guidance Note 2 , the draft NPPF , policy N33 of the Unitary Development Plan (Review) 2006 and policy HDG3 of the Draft Householder Design Guide (September 2011) would undermine the purposes and function of the Green Belt . The applicant has failed to demonstrate very special circumstances which could justify inappropriate development in the Green Belt. It is therefore considered that the proposal is contrary to policy N33 of the Leeds UDP, HDG3 of the Draft Householder Design Guide and guidance contained within PPG2.
2. The Local Planning Authority considers that the proposed detached garage by virtue of its size and siting will have a harmful impact on the openness of the Green Belt and Special Landscape Area, whilst also having a harmful impact on the visual amenity and rural character of the area. It is therefore considered that the proposal is contrary to policy guidance in PPG2 , policies N33 and N37 of the Leeds

## **INTRODUCTION:**

- .1 The application is reported to Panel for determination at the request of Councillor P Harrand as a compromise between Officers and the applicant's regarding the garage which could not be reached through negotiation

## **2.0 PROPOSAL:**

- 2.1 The applicant seeks permission for a large detached double garage to be located in the south-east corner of this large plot. The garage is located within the approved residential curtilage of the dwelling to which it will relate. The garage is proposed to be approximately 4.35m high to the apex of its pitched roof and will have a footprint measuring 5.8m x 6m as shown on the submitted plans. The garage will provide space to park two standard sized domestic vehicles. The garage is to be finished in coursed stone work to all elevations. The storage space will be illuminated by two roof lights within the north facing roof plane. The roof is proposed to be in natural slate. The length of the garage and its height have been reduced when compared to the previously withdrawn application.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is located in a rural location to the north of the main urban area of Leeds within the small scattered settlement of Eccup and consists of a detached converted dwelling set in good sized grounds. The house is of a unique design in an area characterised by a mixture of large bespoke detached dwellings set in substantial plots and structures and farm dwellings linked with agriculture.
- 3.2 The site is located within the Leeds Green Belt and the Harewood Special Landscape Area.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 Application site:  
11/00601/FU - Detached double garage with storage over to rear at Old Village Hall, Village Road, Eccup, LS16 8AS (Withdrawn).  
08/06755/FU - Mount View Garage, Change of use and alterations including extensions of car repair garage to 1 three bedroom detached house (Approved Feb 2009). This is the original permission that brought the site into residential use.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The case officer met with the applicant and their planning consultant at the site to discuss a potential way forward both in relation to the previous proposal and this current scheme. The advice of the case officer was that the garage needed to be significantly reduced in size and located much closer to the property to have any chance of being considered acceptable in terms of Green Belt Policy. The applicant's and their agent did not wish to compromise on the location of the garage as it would affect their views from the dwelling. There was a willingness to compromise on the scale of the garage, but without this being accompanied with a change of location away from the open rear corner of the site this would not have addressed fully the case officer's concerns. On further consideration of the history, officers subsequently questioned the principle given the level of extended accommodation allowed at the time of the change of use application. (Ref 08/06755/FU).

## **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 Alwoodley Parish Council – No comment.

6.2 One letter of support has been received from a neighbouring resident. The neighbour supports the application but asks that the council require the nearby existing tree and three hedge bushes be retained at their present height at least.

## **7.0 CONSULTATIONS RESPONSES:**

7.1 None.

## **8.0 PLANNING POLICIES:**

8.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that the statutory Development Plan will continue to be the starting point in the consideration of planning applications for the development or use of land, unless material considerations indicate otherwise. The development plan comprises 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. The following UDP policies are relevant:

- GP5: Gives advice in relation to new development stating that all new development should not have a detrimental impact on amenity.
- BD6: Gives advice in relation to extensions to residential properties which states that extensions should respect the scale, form, detailing and materials of the original building.
- N33: Except in very special circumstances approval will only be given in the Leeds Green Belt for: Limited extension, alteration or replacement of existing dwellings.
- N37: Development should not seriously harm the character and appearance of the landscape.

8.2 Draft Householder Design Guide (at consultation stage as of 19.09.11):  
Policy HDG3 seeks to put a limit on extensions to dwellings in the Green Belt of 30% of the original volume.

## **9.0 MAIN ISSUES**

- Green Belt
- Special Landscape Area
- Other Issues

## **10.0 APPRAISAL**

### Green Belt

10.1 The application site is located within the Green Belt. Policies concerning the Green Belt are contained within PPG2. Paragraph 3.1 of PPG2 states that there is a general presumption against inappropriate development within Green Belts and that such inappropriate development should not be approved except in very special circumstances. It goes on to state that very special circumstances “would not exist unless the harm... is clearly outweighed by any other considerations”. At paragraph 3.4 it states the “limited extension, alteration or replacement of existing dwellings” is not inappropriate. This is further expanded upon in paragraph 3.6 which states that “Provided that it does not result in disproportionate additions over and above the

size of the original building, the extension or alteration of dwellings is not inappropriate in the Green Belt”.

- 10.2 The UDP policy relating to domestic extensions in the Green Belt has been altered with Policy GB8 being removed in the 2006 Review. The removal of this policy and heavier reliance on PPG2 has in fact strengthened the approach of the Local Planning Authority to domestic extensions in the Green Belt, as the previous policy was open to be interpreted to allow extensions equal to the size of the existing dwelling. The position that the Local Planning Authority currently takes, based on the advice in PPG2 is that extensions to dwellings or buildings within their curtilage, singularly or cumulatively (from 1947 onwards), which exceed 50% of the total volume of the existing dwelling will be considered inappropriate and disproportionate as they cannot be reasonably considered to be limited extensions which are considered appropriate in the Green Belt.
- 10.3 The Draft Householder Design Guide seeks to reduce the volume limit further down to 30% in Policy HDG3. However this document is still at the consultation stage and therefore, given the history of negotiations, it has been given limited weight in the consideration of this application.
- 10.4 The level of extension permitted under the change of use application for the original dwelling on the site (ref 08/07655/FU) amounted to a 41% increase in footprint above the original building. The garage proposed adds a further 35 square metres to the footprint making the percentage increase by footprint in the region of 70%. Volume calculations were not undertaken in relation to the original application for a dwelling. Nevertheless it is clear that this proposal when considered cumulatively with the previous additional development allowed under the historical application, is considered to represent a disproportionate addition to the site and as such is inappropriate development in the Green Belt for which very special circumstances are required to justify development.

#### Very Special Circumstances

- 10.5 The applicants supporting statement advances arguments which they consider amounts to very special circumstances. The Local Planning Authority consider that these arguments are not sufficient to set aside policy. They identify three key points as follows:
1. Scale and appearance:
- 10.6 The supporting statement asserts that that the garage is proposed to be constructed to a scale and with an appearance commensurate to the dwelling which it will serve. The garage is considered by the applicant to be small in absolute terms and of an appropriate scale relative to the dwelling it will serve. The statement goes on to suggest that the previous improvements to the site brought about from its conversion to a residential development from a commercial garage should continue to justify this further proposed residential development of the site as in the context of the conversion the new garage will not add to perception of inappropriate development.
- 10.7 Officers consider that the scale and particularly the location of the garage is considered excessive in the context of its open location resulting in the extension having undue prominence within the Green Belt and Special Landscape Area and this is not addressed by the design and reductions in scale of the revised application. The improvements to the site brought about by the conversion of the

site to a residential use was considered as part of the previous application and an allowance of an increase in the overall footprint and volume of buildings within the site was made in recognition of the improvements offered. The increased footprint allowed was considered to have effectively used up the limit of what could be considered limited extensions as part of the total re-development of the site and therefore a condition removing permitted development rights to extend the property further was attached. Whilst not completely discounting the acceptance of additional development the condition does seek to keep any further structures within the control of the Local Planning Authority so that they could be assessed in relation to their cumulative impact on the Green Belt in association with the previously accepted increases. The arguments put forward by the applicant regarding the permitted development fall back position are not considered persuasive as the extant condition referred to above has removed permitted development rights. Referring to other extensions locally and debating whether a condition removing permitted development rights should have been attached to other development has no significant bearing on the determination of this application. Each application must be judged on its own merits, the site circumstances and planning histories and other sites are not directly comparable.

10.8 The garage would be expected to be constructed in appropriate materials regardless of its Green Belt location.

10.9 It is not considered that the points regarding scale and design, comparisons with other developments and matching materials constitute very special circumstances to justify inappropriate development.

### 2. Purpose of including land within the Green Belt:

10.10 The proposal is considered, due to its location close to the boundary of the site which abuts open country side, to result in an encroachment into the countryside of a residential structure which would be contrary to the purposes of including land within the Green Belt. The fact that this was allowed as residential curtilage to the dwelling and left free from structures as open garden area cannot be compared reasonably as the same as introducing a substantial detached outbuilding. In relation to the relevant purpose of Green Belt referred to in the applicant's statement, the proposal fails to keep land permanently open and is considered detrimental to the rural landscape and its visual amenity. Moreover, the applicant is not challenging whether the land is included in the green belt as this would be a matter for a development plan review. The land is included within the green belt and the development is considered inappropriate. The merits of the sites inclusion in the green belt are not very special circumstances which justify development.

### 3. Openness:

10.11 The applicant's statement suggests that the proposal is well screened from agricultural land and will not be unduly prominent when viewed from the surrounding countryside. The garage is a large detached structure of significant mass which will be located towards the very edge of the site abutting open fields. This scheme is considered detrimental to the openness of the Green Belt due to its scale and prominent position at the edge of the domestic curtilage of the dwelling where there is currently a very open vista of gently rolling countryside. The garage will be distinctly detached from the dwelling and will relate more closely to the open fields than the dwelling which it will serve. In this context the structure is considered unduly intrusive within the rural context of its setting which results in the proposal harming the openness of the Green Belt and the character of the Special Landscape

Area. Again the merits of the sites inclusion in the Green Belt are not very special circumstances which justify development .

### Special Landscape Area

- 10.12 The proposal is considered to represent an overlarge intrusion within this attractive rural Landscape which would seriously harm the predominantly open and rural character and appearance of the Landscape due to its inappropriate scale and location.

### Summary of other Issues

- 10.13 Given the nature of the proposed structure, its scale and design and the isolated nature of the location there are no significant concerns regarding the impact of the proposal on the amenity of any nearby dwellings through overshadowing, dominance or overlooking. The works the applicant has undertaken to improve derelict land are noted , however this does not provide a reasonable justification for inappropriate development in the Green Belt or constitute a very special circumstance. It also appears from the supporting statement that this land has been used to extend the residential curtilage of the dwelling into the Green Belt above the approved curtilage. This is form of development which would also be considered inappropriate within the Green Belt. An application for the change of use of this land has not been submitted and therefore the red line boundary indicating the residential curtilage has been amended to what was previously granted consent.

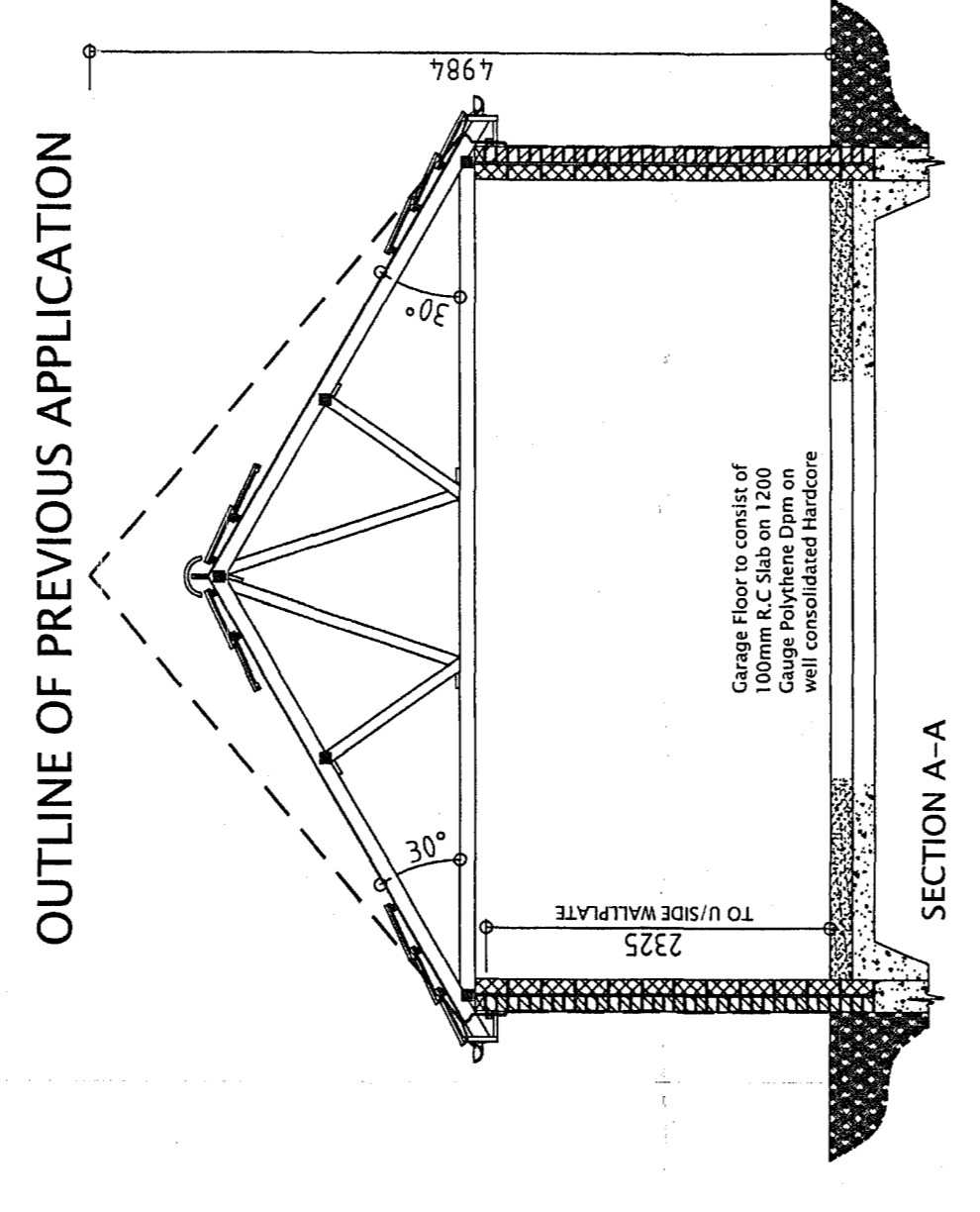
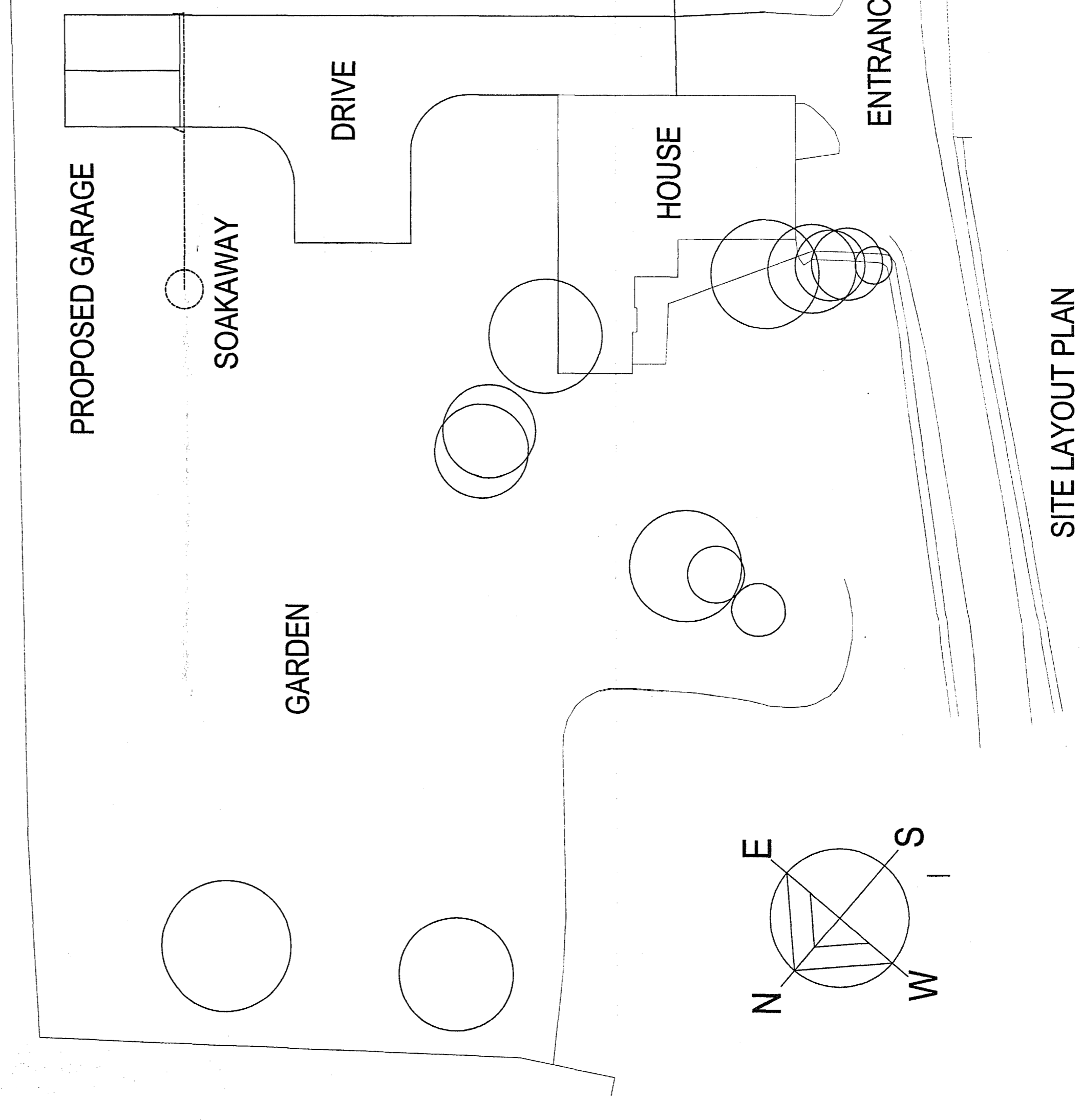
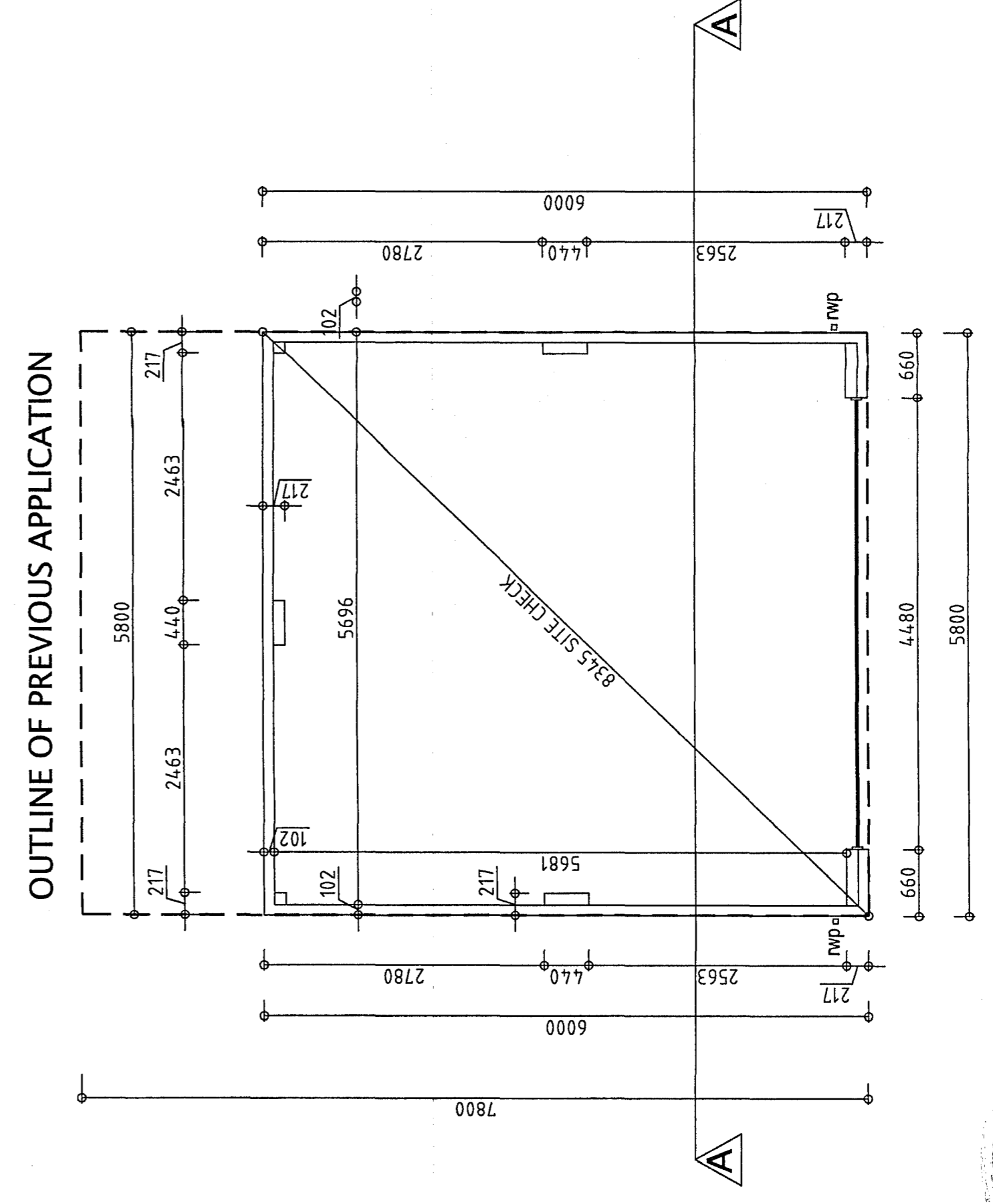
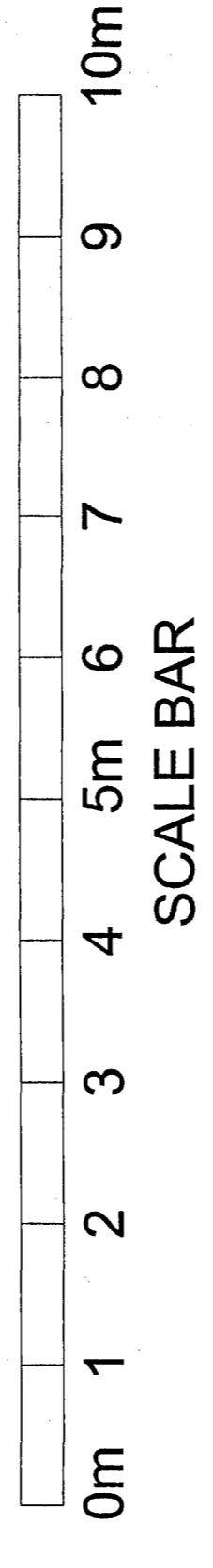
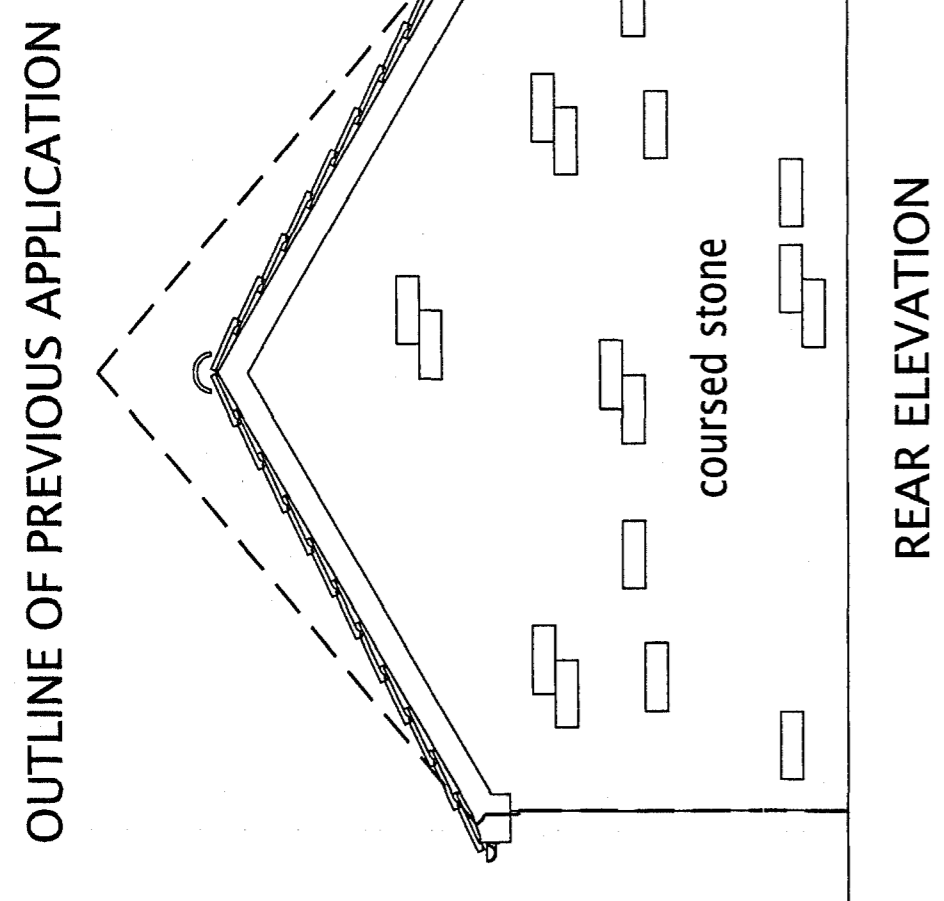
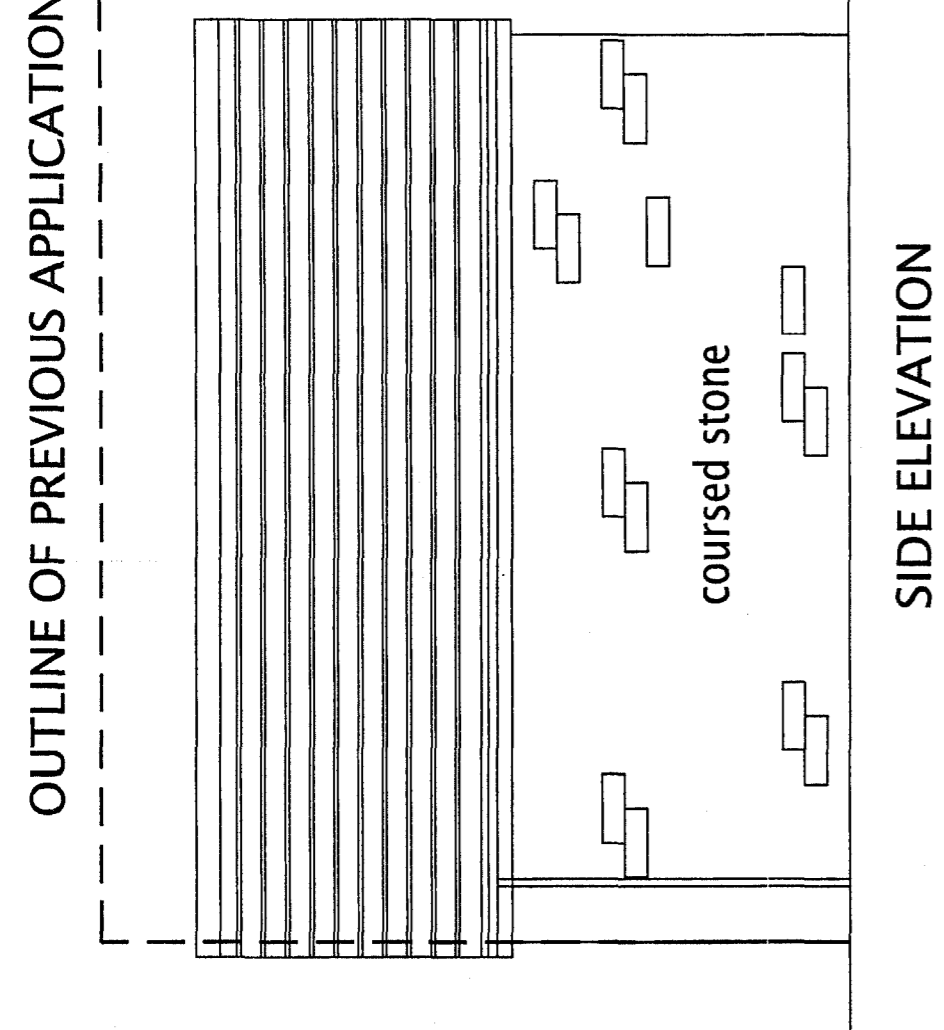
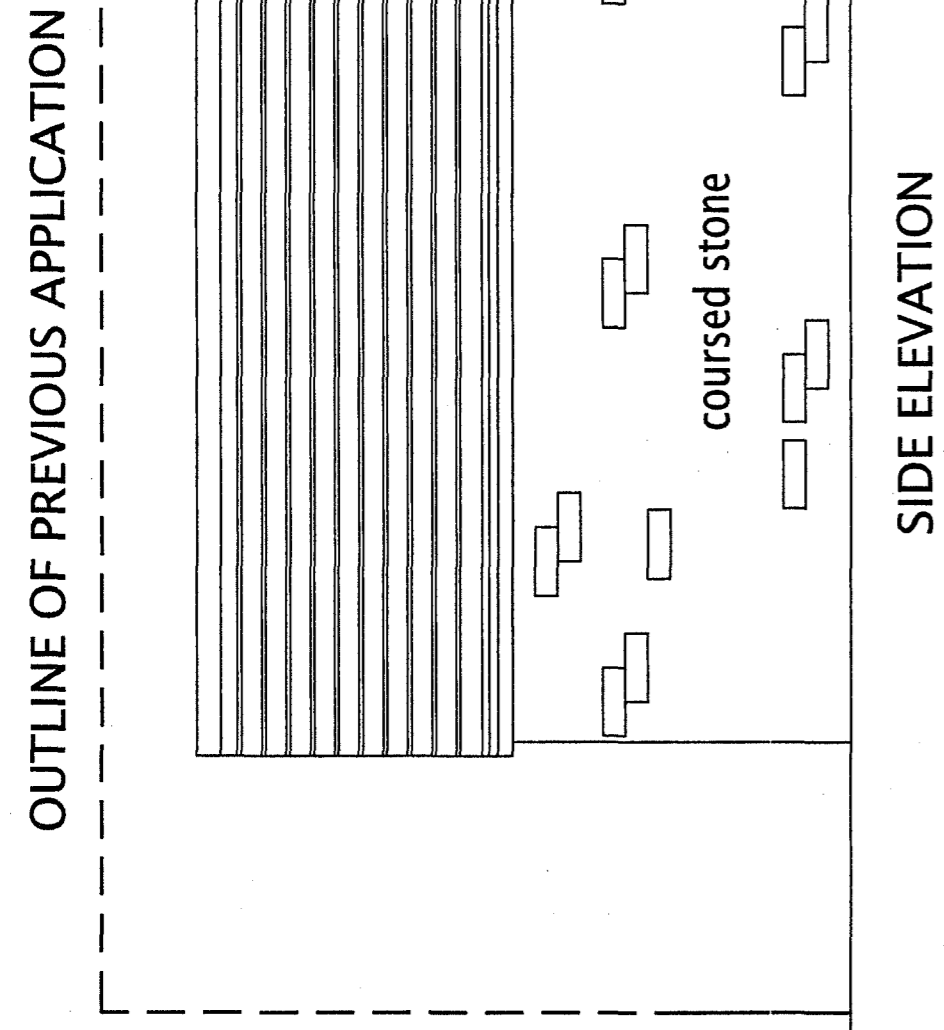
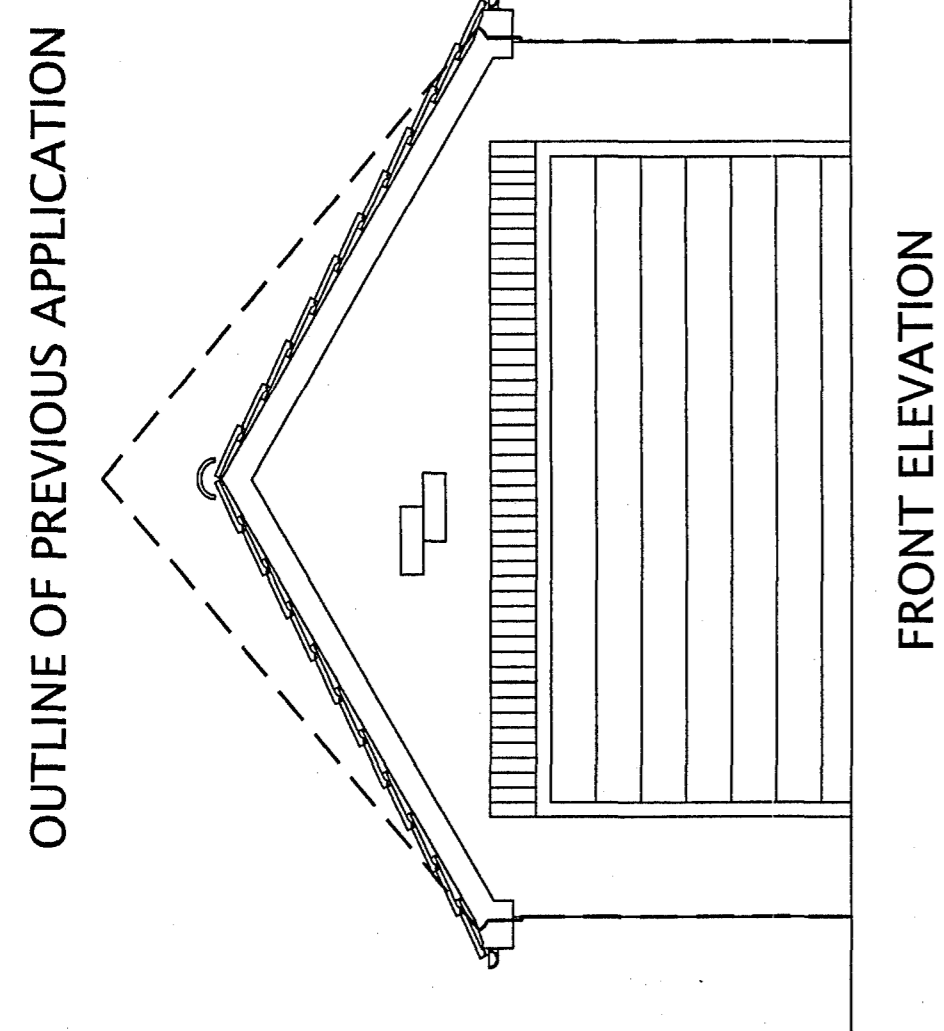
## **11.0 CONCLUSION**

- 11.1 Consideration has been given to all material planning considerations and the conclusion is that the garage, despite the reductions, represents a disproportionate addition to the property which would detrimental to the openness and character of the Green Belt . It is not considered that the applicants supporting arguments constitute very special circumstances to justify the inappropriate development proposed. It is therefore recommended that planning permission be refused.

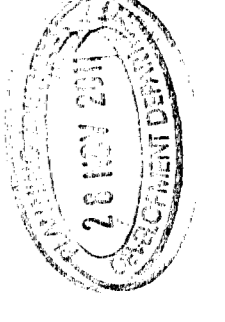
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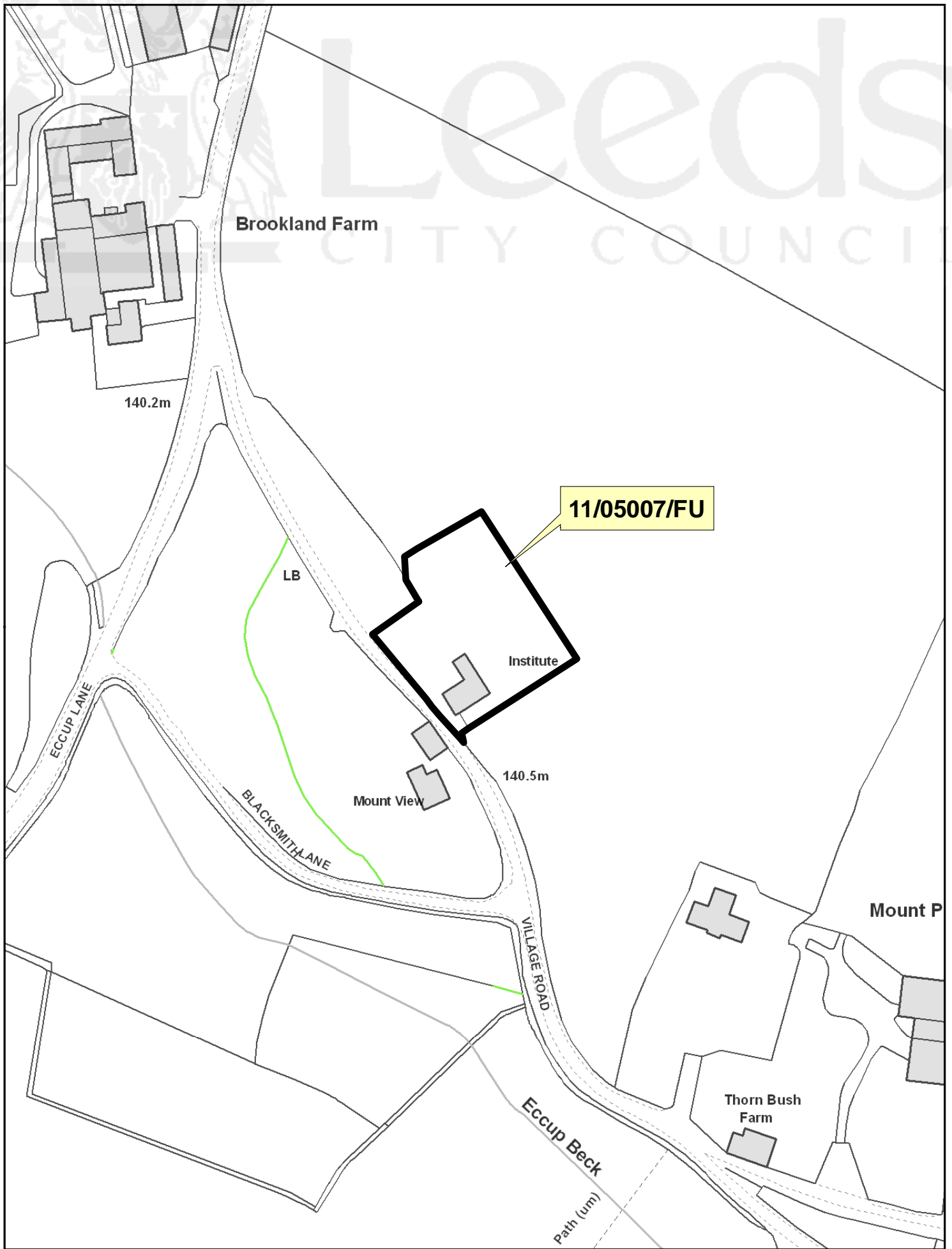
Application and history files.

Certificate A signed by the applicant declaring that all land is owned by applicant.



|   |                   |               |  |
|---|-------------------|---------------|--|
| Drawing Title   |                   | MR M HOURIGAN |  |
| PROPOSED DETACHED DOUBLE GARAGE THE VILLAGE HALL VILLAGE ROAD ECCUP LEEDS |                   |               |  |
| PROPOSED PLANS AND ELEVATIONS   |                   |               |  |
| Scale   | 1:50, 1:200 AT A1 | Drawn         |  |
| Date  | OCT 2011          | Checked       |  |
| Drawing No.   | A1/G/OCT/01       | Rev           |  |





# EAST PLANS PANEL

