
Appeal Decision

Site visit made on 3 October 2016

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 October 2016

Appeal Ref: APP/P1940/D/16/3152727

The Grange, White Shack Lane, Chandlers Cross, Hertfordshire WD3 4ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Anthony Vico against the decision of Three Rivers District Council.
 - The application Ref 16/0399/RSP, dated 21 February 2016, was refused by notice dated 15 April 2016.
 - The development is single storey rear extension.
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Decision

1. The appeal is allowed.

Procedural Matters

2. During my inspection I noted that the extension has already been completed. I have determined the appeal on the basis that planning permission is being sought retrospectively for its erection.
3. I have also dealt with another appeal (Ref: APP/P1940/D/16/3152729) on this site. That appeal is the subject of a separate decision. However, given the common nature of the subject matter there will inevitably be some duplication.

Main Issue

4. The main issue in this case is whether the extension constitutes inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy.

Reasons

5. The appeal site lies in the Metropolitan Green Belt. Policy CP11 of the Three Rivers Core Strategy (2011) (CS) sets out a general presumption against inappropriate development in the Green Belt. Policy DM2 of the Development Management Policies Local Development Document (2013) (DMP LDD) states that the construction of new buildings in the Green Belt is inappropriate unless, amongst other things, it involves the extension of a building. Such development is acceptable only on the proviso that extensions are not disproportionate in size (individually or cumulatively) to the original building. This approach is consistent with Paragraph 89 of the National Planning Policy Framework.
 6. The development plan does not define the term 'disproportionate'. However, the Council's Supplementary Planning Guidance: *Extensions to Dwellings in the*
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Green Belt (2003) (SPG) provides assistance with interpretation. It explains that extensions resulting in a cumulative increase in floorspace of over 40% compared with the original dwelling will normally be unacceptable. The guidance lists a number of exceptions to this, including situations where 'in-fill' extensions do not increase the apparent bulk of the building.

7. The SPG pre-dates the CS and DMP LDD, having been published to accompany now superseded local plan policies. Nevertheless, it remains relevant in the context of more up-to-date but substantively similar development plan policies. The guidance was the subject of public consultation and has been formally adopted and I have therefore attached it significant weight.
8. The starting point for my assessment is the original building. In this case the original building was constructed under a planning permission granted in 1988. The Council has calculated the floor area of that building to be 258 square metres. I shall use this figure as the baseline.
9. Since its first construction, the dwelling has been subject to a number of additions, including a front extension and a single storey enlargement at the rear to house an enclosed swimming pool. Together, these amount to 124.88 square metres, which represents an increase of 48% over the original building.
10. The single storey rear extension has added a further 53.82 square metres to the floor area of the building. Excluding the unauthorised extension above the pool room¹ for the purposes of the calculation, this takes the overall increase to 69%, resulting in a dwelling well in excess of the size limitations set out in the SPG.
11. However, that is not the end of the matter. Policy DM2 explains that alongside the issue of whether or not an extension is disproportionate, other factors will be taken into account. Amongst these is whether the extension preserves the openness of the Green Belt.
12. It seems to me that the effect on openness in this particular case is minimal. The development comprises an in-fill extension within the existing L-shaped building footprint and discreetly sited at the rear of the property. Although large in floor area, the modest height of the extension and its simple roof form ensures that the addition remains subordinate to the host building. In my judgement, it has not led to an appreciable increase in the apparent bulk of the building and as such it would qualify as an exception under the SPG provisions.
13. In reaching the above finding I have also taken into consideration the advice within the SPG that single storey extensions (other than certain side extensions) are not normally viewed as adversely affecting the openness of the Green Belt.
14. I therefore conclude that the single storey rear extension does not constitute inappropriate development within the Green Belt and it complies with Policy CP11 of the CS, Policy DM2 of the DMP LDD and guidance within the SPG in this regard. I therefore find the extension to be acceptable.

¹ This is the subject of another appeal decision.

Conditions

15. The Council has suggested a condition requiring the development to be carried out in accordance with the approved plans. However, given that the extension is already complete this condition is unnecessary.
16. A condition is also requested to prevent the insertion of new windows in the extension. However, there is no detailed explanation as to why there is a risk to privacy that cannot be addressed by planting or the erection of a wall or fence under permitted development rights. As such, the condition is not justified.
17. No other conditions have been suggested and I consider that none are necessary in order to grant planning permission.

Conclusion

18. For the reasons given above I conclude that the appeal should succeed.

Robert Parker

INSPECTOR