
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/16/3152729

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 16/0400/RSP, dated 21 February 2016, was refused by notice dated 22 April 2016.
 - The development is alteration to roof over pool room forming elderly relation accommodation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During my inspection I noted that the alteration to the roof has already been completed. I have determined the appeal on the basis that planning permission is being sought retrospectively for carrying out the development.
3. My assessment does not include any consideration of the raised timber balcony which has been erected on the end of the pool room. This is not shown on the plans and would require a further application for planning permission.
4. I have also dealt with another appeal (Ref: APP/P1940/D/16/3152727) 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 Issues

5. The main issues in this case are:
 - a) whether the development constitutes inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - b) the effect on the openness of the Green Belt; and
 - c) if the development is inappropriate, 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.
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Reasons

Whether inappropriate development

6. 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 (the Framework).
7. The development plan does not define the term 'disproportionate'. However, the Council's Supplementary Planning Guidance: *Extensions to Dwellings in the Green Belt* (2003) (SPG) provides assistance with interpretation. It explains that, with certain exceptions, extensions resulting in a cumulative increase in floorspace of over 40% compared with the original dwelling will normally be unacceptable.
8. 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.
9. 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.
10. 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.
11. The roof alteration to create an additional storey of accommodation above the pool room has generated a further 67.08 square metres of floorspace. Taken in combination with the above extensions, there has been an increase in floorspace of 74% over the original dwelling. When the single storey rear extension¹ is included this figure rises to 95%. I note that none of the figures are being contested by the appellant.
12. By either method of calculation, the roof alteration has resulted in a dwelling significantly in excess of the size thresholds set out in the SPG. The works do not fall within any of the listed exceptions and in my view they represent a disproportionate addition which constitutes inappropriate development in the Green Belt.

Effect on openness

13. The Framework advises at Paragraph 79 that openness is an essential characteristic of the Green Belt. The SPG states that increases in ridge height, apparent bulk of roof and/or replacement of a storey at least partially contained

¹ The subject of a separate appeal which has been allowed.

in the existing roof, by a full storey will normally be considered to adversely affect the openness of the Green Belt.

14. In this case, the alteration of the dual-pitched roof to incorporate steeply sloping sides and a section of flat roof has significantly increased the scale and mass of this part of the building. The resultant bulk has led to a small but nonetheless appreciable reduction in the openness of the Green Belt. This adds to the harm arising from the inappropriate nature of the development.
15. I appreciate that the majority of the development is not visible from White Shack Lane or other public vantage points. However, this is not a pre-requisite for finding harm. Openness has a visual dimension but it is primarily concerned with the absence of built development.

Other considerations

16. The Framework explains at Paragraph 87 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It further states that substantial weight should be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
17. The appellant contends that there is a fallback position in that a flat roofed dormer window could be constructed across the full width of the existing rear roof slope under permitted development rights. No plans have been supplied to enable a comparison with the present situation and there is no Certificate of Lawfulness to satisfy me that such works would be lawful. Moreover, there is nothing to convince me that there is a more than theoretical possibility of the alternative development being implemented should this appeal be dismissed. For these reasons I have given the fallback argument limited weight.
18. It is suggested that planning permission could be granted subject to a condition restricting permitted development rights for development within Classes A to E of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. Whilst this would subject future developments at the site to planning control, there is no compelling evidence to demonstrate that such schemes are likely, or that they would be detrimental to the Green Belt. Furthermore, the imposition of the condition would not satisfactorily mitigate the harm to the Green Belt that has already arisen in respect of the alteration to the roof of the pool room.

Conclusion

19. Having carefully considered the appellant's submissions in support of the proposal I find that they do not clearly outweigh the totality of the harm I have identified in relation to the Green Belt. Accordingly, very special circumstances do not exist and the proposal is in conflict with Policy CP11 of the CS and Policy DM2 of the DMP LDD and national planning policy set out in the Framework. I therefore conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR