
Appeal Decision

Site visit made on 8 November 2016

by L Fleming BSc (Hons) MRTPI

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

Decision date: 02 December 2016

Appeal Ref: APP/C1950/W/16/3156177
56 Hertford Road, Digswell, Welwyn AL60BX

- 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 P Kasperczak against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2016/0845/FULL, dated 3 May 2016, was refused by notice dated 28 June 2016.
 - The development proposed is demolition of existing log store and outbuildings. Conversion of existing garage to an independent residential dwelling unit including two storey side extension, two storey rear extension, insertion of dormer windows and raising of roof and alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- i) whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
- ii) the effect of the proposed development on the openness of the Green Belt;
- iii) the effect of the proposal on the character and appearance of the area bearing in mind it would be within the settings of the grade II listed Maran Cottage;
- iv) if the development is inappropriate in the Green Belt, whether any harm by reason of inappropriateness, openness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

3. The proposed development would be within the Metropolitan Green Belt. Paragraph 90 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate
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in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. These categories include the re-use of buildings provided that the buildings are of permanent and substantial construction.

4. Furthermore, paragraph 89 of the Framework makes clear that the construction of new buildings should be regarded as inappropriate in the Green Belt except where among other things they comprise the extension or alteration of a building and does not result in disproportionate additions over and above the size of the original building. Moreover, saved Policy RA3 of the Welwyn Hatfield Local Plan (2005) (LP) makes clear that extensions to dwellings in the Green Belt will be allowed where the proposal when considered with other extensions do not result in a disproportionate increase in size. Thus, in this regard saved Policy RA3 of the LPA is broadly consistent with the Framework.
5. The Council granted planning permission in March 2016¹ for the conversion of the existing garage to an independent residential dwelling unit including the insertion of three rear dormer windows and the replacement of windows and a door. Even though this permission remains extant, at the time of my site visit it had not been implemented and the proposal before me is a different scheme which involves increasing the footprint and height of the existing garage.
6. I acknowledge that the appeal proposal would involve the removal of outbuildings and I have considered the appellant's calculations with regard to the proposed increase in floor area with and without taking into consideration the removal of the outbuildings.
7. However, whilst I accept the existing garage proposed for conversion to a dwelling is of substantial and permanent construction, the proposed significant increase in height and the roof of the proposed side extension would be highly visible from Hertford Road above the boundary wall and hedging. Given that only the roof of the existing building is visible from Hertford Road these additions would result in a noticeably taller and wider building. Whilst I acknowledge the benefit of the removal of the outbuildings, these are of a modest height and not widely visible from anywhere other than within the appeal site.
8. Therefore, irrespective of the percentage increase in floor space, the proposed extensions would, when viewed from Hertford Road appear disproportionate to the original building and thus the proposed development would be inappropriate development in the Green Belt. It would therefore be in conflict with paragraph 89 of the Framework and saved Policy RA3 of the LP.

Openness

9. Paragraph 79 of the Framework makes clear that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Furthermore, saved Policy RA3 of the LP makes clear that extensions to dwellings in the Green Belt will be allowed where among other things they would not have an adverse visual impact in terms of prominence, size, bulk and design on the character and appearance of the area.
10. The proposed development would substantially increase the height and width of the existing building. This increase in bulk would be visible from Hertford Road

¹ Council Reference 6/2015/2398

above the existing boundary wall and hedging and would introduce built development into the space above and to the side of the existing building.

11. The effect of the appeal scheme would be to add to the volume of built development in the locality and would increase the prominence, bulk and overall appearance of the appeal building when viewed from Hertford Road.
12. Thus, the proposed development would inevitably lead to a loss of openness of this part of the Green Belt and would be contrary to the fundamental aim of keeping land in the Green Belt permanently open. It would therefore be contrary to paragraphs 79 of the Framework and in conflict with saved Policy RA3 of the LP.

Character and appearance

13. The grade II listed Maran Cottage is located to the south west of the appeal site. In accordance with the duty imposed by section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to have special regard to the desirability of preserving the setting of listed buildings. Paragraph 132 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
14. Maran Cottage is an attractive timber framed dwelling. It has a relatively wide front elevation and sits close to Hertford Road with a prominent central gable, modest dormer windows and a plain tiled roof. Through its scale, traditional detailing, positioning and relatively open frontage it has an imposing presence in the street scene and is, in my view the defining feature of this part of the area.
15. The existing appeal building is set back some distance from Hertford Road, with only its simple plain tiled roof visible above the hedging and boundary wall along the frontage. Thus, through its relatively modest scale and simple form the existing appeal building blends into the background of Maran Cottage.
16. However, the proposed increase in height and width, the introduction of three dormer windows and the proposed mansard roof detail would complicate the appearance of the appeal building and thus increase its prominence in the street scene.
17. I acknowledge the proposed dormer windows and the proposed materials would be similar to those of Maran Cottage. However, the introduction of a significant additional bulk of more detailed development in the background of Maran Cottage would draw attention away from Maran Cottage and erode its imposing presence and dominance in the street scene. For these reasons, I find that the proposed development would fail to preserve the setting of the grade II listed Maran Cottage and would be harmful to the character and appearance of the area.
18. The proposed development would therefore be contrary to the requirements of the respective sections of the Act. Moreover, it would also fail to meet the provisions of paragraph 132 of the Framework, which requires great weight to be given to the conservation of designated heritage assets and their setting. For the same reasons the proposed development is therefore in conflict with the statutory requirements and the development plan, specifically the design and conservation aims of saved Policies D1 and D2 of the LP,

19. That said, in the context of the significance of the heritage asset as a whole, I find this harm, in accordance with paragraphs 133 and 134 of the Framework, to be less than substantial. In these circumstances, the Framework requires the degree of harm to be balanced against any public benefits the development may bring. I will consider whether there are any public benefits as part of my reasoning and conclusion below.

Other considerations

20. The appeal proposal would result in one more house in the Borough, thus contributing to the housing supply in an area where there is a high demand for new dwellings. Furthermore there may also be economic opportunities associated with building the property and economic and social benefits in terms of new customers and potential employees for local businesses and services.

Conclusion

21. I have found the proposal would represent inappropriate development in the Green Belt which is by definition harmful. It would also erode the openness of the Green Belt. Furthermore, the modest public benefits do not outweigh the harm identified to the designated heritage assets, nor would they or any other considerations amount to very special circumstances necessary to justify inappropriate development and harm to the openness of the Green Belt.
22. Consequently, very special circumstances do not exist and the proposal is in conflict with the Framework and the development plan, specifically saved Policies GBSP1 and RA3, which seek to protect the Green Belt from inappropriate development which would harm its openness. I therefore conclude that the appeal should be dismissed.

L Fleming

INSPECTOR