
Appeal Decision

Site visit made on 9 December 2016

by Christa Masters MA (hons) MRTPI

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

Decision date: 16th December 2016

Appeal Ref: APP/P1940/D/16/3163401
46 Toms Lane, Kings Langley WD4 8NB

- 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 & Mrs Bailey against the decision of Three Rivers District Council.
 - The application Ref 16/1779/FUL, dated 19 August 2016, was refused by notice dated 18 October 2016.
 - The development proposed is first floor side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for first floor side extension at 46 Toms Lane, Kings Langley WD4 8NB in accordance with the terms of the application, Ref 16/1779/FUL, dated 19 August 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans listed: 0630/01A, 0630/02F, 0630/04I, 0630/05A.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used on the existing building.

Main Issues

2. The appeal site lies within the Green Belt. The main issues are therefore whether the proposal would be inappropriate development in the Green Belt and if so, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, as to amount to very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development?

3. The appeal site comprises a semi-detached two storey dwelling located on an established residential road. The surrounding properties are similar in design and appearance to the appeal property. In accordance with the Framework, the construction of new buildings is inappropriate development and should not
-

be permitted except in very special circumstances. The exceptions to this are set out at paragraph 89 of the Framework and include, the extension of a building. This is provided it does not result in disproportionate additions over and above the size of the original building. Policy CP11 of the Core Strategy (CS) 2011 sets out a number of key Green Belt objectives and policy DM2 of the Development Management Policies (DMP) 2013 specifies, amongst other things, that extensions to buildings in the Green Belt that are disproportionate in size to the original building will not be permitted.

4. The Framework does not give any guidance on what might be considered a disproportionate addition in the context of paragraph 89. This assessment is therefore a matter of planning judgement. Although not referred to in the reason for refusal, the officers report refers to Supplementary Planning Guidance – Extensions to Dwellings in the Green Belt, 2003. This Guidance provides an interpretation to superseded development plan policies. Nevertheless, it advises that as a guide, extensions resulting in cumulative increases in floorspace of up to 40% compared with the original dwelling may not be disproportionate. However, the SPG does allow for flexibility, in particular to dwellings where the original dwelling was less than 110sqm.
5. In the circumstances of this appeal, the original dwelling has a floor area of 90sqm. The extension as proposed taken with the existing extension which has taken place would equate to a 49% increase above the size of the original dwellinghouse. Taken purely on this statistical assessment, the proposed extension would not in my view lead to a substantial increase in the size of the dwelling. The proposal would provide a modest side extension to the first floor of the property. As a result of the size and scale of the extension, it would be proportionate in scale and form to the host property. As noted by the Council, it would also be in keeping with the established character and built form of the area. On balance, it seems to me that the extension would not represent a significant increase in the volume of the original dwelling. The development would therefore not be inappropriate.
6. For these reasons, I therefore conclude the proposal would accord with both the Framework as well as the development plan policies set out above.

Conditions

7. The Council has proposed a number of conditions which I have considered against the tests identified by the Framework. Those relating to commencement and plans are necessary in the interests of proper planning. In the interest of the character and appearance of the area, I also consider it is necessary to attach a condition requiring the materials to match the host property.

Conclusion

8. For the reasons outlined above and taking all other matters into account, the appeal should be allowed.

Christa Masters

INSPECTOR