
Appeal Decision

Site visit made on 17 January 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 3rd February 2017

Appeal Ref: APP/P1940/D/16/3164088

129 Toms Lane, Kings Langley, Herts WD4 8NX

- 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 and Mrs Richards against the decision of Three Rivers District Council.
 - The application Ref 16/1031/FUL, dated 10 May 2016, was refused by notice dated 16 September 2016.
 - The development proposed is a side and rear and front extension to existing bungalow together with a new first floor over the existing and proposed to create a two storey house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are as follows:
 - Whether the proposal is inappropriate development in the Green Belt having regard to relevant development plan and national planning policies;
 - The effect of the development on the character and appearance of the area;
 - The effect of the development on the openness of the Green Belt; and,
 - If the development would be inappropriate development, 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 it.

Reasons

Inappropriate Development

3. The appeal site lies within the Green Belt. Paragraph 79 of the National Planning Policy Framework (the Framework) states that the essential characteristics of Green Belts are their permanence and openness. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development. However, there are exceptions to this presumption against development in the Green Belt. These include *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building* and *the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces*.
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4. Policy CP11 of the Three Rivers District Council Core Strategy (CS) 2011 states that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. Policy DM2 of the Three Rivers District Council Development Management Policies Local Development Document (LDD) 2013 seeks to prevent extensions in the Green Belt that are disproportionate in size to the original building and only supports replacement dwellings in the Green Belt when they do not materially exceed the size of the original dwelling.
5. The Council contends that the proposal amounts to a replacement, whereas the appellant argues that the proposal is for extensions and alterations to the existing dwelling. The proposal would result in the demolition of much of the existing dwelling including the roof and a large proportion of the existing walls. Given the extent of demolition works required and the subsequent extensions, including the addition of a first floor, I consider that the proposed development is tantamount to a replacement dwelling. In any event, the exceptions I have referred to above both have regard to size of the extension/replacement in relation to the original building/the building it replaces.
6. The proposal would approximately result in a 246% increase in the floorspace of the existing dwelling. The roof height would be approximately 2.1m higher than the existing and would have a much wider ridge line. In addition, the extensions would provide a significantly greater footprint than the existing. Overall, the proposal would provide a building with a considerably larger bulk and mass than the existing.
7. Accordingly, when considered against the existing dwelling, the replacement dwelling would be materially larger and therefore would be inappropriate development, which is, by definition, harmful to the Green Belt. Furthermore, it would fail to comply with Policy CP11 of the CS and Policy DM2 of the LDD. In addition, it would fail to comply with Policies CP1 of the CS, which seeks to protect the natural, built and historic environment from inappropriate development.
8. Even if I were to consider the proposal as an extension to the existing dwelling, the extensions and alterations would result in disproportionate additions over and above the size of the original building and would still amount to inappropriate development.

Character and Appearance

9. The appeal property is located on the corner of Toms Lane and Seabrook Road. It is a predominantly residential area comprising a wide variety of house types, styles and sizes, which are generally set within large grounds. The setback position of the houses, the wide footways and verges and the use of natural boundary treatments provide a spacious, leafy suburban character.
10. Although the proposal would provide a significantly larger dwelling which would be two-storey in height, its design would be informed somewhat by its neighbouring properties, in particular it would have a gable end feature on the front elevation, similar to the adjacent bungalows. In addition, it would have a hipped roof. Whilst its overall bulk and mass would be significantly larger than the existing dwelling, it would be in keeping with other two-storey properties within the vicinity.

11. The site is a corner plot location and prominent within the street scene. A mature tree, which benefits from a TPO, is to the front of the property, significantly screening the existing dwelling from view on approach along Toms Lane from the west. However, I concur with the Council's argument that this cannot be relied upon, as I observed during my site visit as the tree had lost its leaves and the dwelling was clearly visible through its bare branches. Nevertheless, whilst I accept that the proposal would be more prominent in the streetscene I do not find that its prominence would result in any significant harm to the character and appearance of the area.
12. I note the Council's concern regarding the terracing effect as the proposal would border the north western boundary of the site. However, as there are no neighbouring properties adjacent to this boundary I do not find that it would result in such an adverse effect.
13. I find therefore that the dwelling would not cause any significant harm to the character and appearance of the area. As such, in this respect, it would comply with Policy CP12 of the CS and Policy DM1 and Annex 2 of the LDD, which seek to ensure that development has regard to the local context and conserves or enhances the character of the area, does not lead to a gradual deterioration in the quality of the built environment and provides design criteria for new development.

Openness

14. The Framework indicates that openness is an essential characteristic of the Green Belt with a key objective being to keep land permanently open. Openness has both a visual and spatial dimension and the absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt.
15. The existing dwelling is a single-storey building. The proposal would be significantly higher, to accommodate a first floor, and significantly wider than the existing dwelling. Consequently, despite my finding that no visual harm would arise from the proposal, I find that the erosion of three-dimensional space arising from the increase in the overall size of the dwelling would in itself result in an erosion of openness, which would conflict with paragraph 79 of the Framework which identifies openness as an essential characteristic of Green Belts. Accordingly, I attribute significant weight to the effect it would have on openness.

Other Considerations

16. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt and that 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. I turn now to address other considerations that, potentially, might clearly outweigh harm arising from inappropriate development in the Green Belt and the erosion of openness so as to provide the very special circumstances required to justify a grant of planning permission.
17. I have had regard to the numerous examples referred to me by the appellant of extended properties in the vicinity of the appeal site. The works to three of these examples were carried out in the 1970's and therefore predate the

Framework and the current development plan. Therefore, both national and local policy has changed significantly since the applications were determined and as such I can only attribute these limited weight. There is no indication of when the work was carried out to the more recent examples, with the exception of No 154A Toms Lane, whereby the extension was carried out in 2010. Nevertheless, from the observations I made during my site visit, none of these extensions appear to have resulted in alterations that are as substantial, compared to the original dwelling, as the proposal before me. For example, none of them appear to have resulted in a single-storey property becoming a two-storey property. Therefore, I cannot draw any direct comparison with the proposal before me. In any event, I have considered the appeal proposal on its own merits.

18. I note that the proposal would provide an improved thermal efficient structure compared to the existing dwelling, which provides some benefit.

Conclusions

19. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In accordance with the Framework, such harm carries substantial weight. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
20. The proposal has harmful implications for the Green Belt in terms of inappropriate development and the erosion of its openness. I have found that the proposal would not significantly harm the character and appearance of the area and would provide an improved thermal efficient structure. However, these would likely be expected of any such extension and therefore do not amount to very special circumstances. Overall, I find therefore that the very special circumstances required to clearly outweigh the harm to the Green Belt have not been demonstrated.
21. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR