
Appeal Decision

Site visit made on 21 February 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 14 March 2017

Appeal Ref: APP/B1930/W/16/3162016

246 Lower Luton Road, Wheathampstead AL4 8HN

- 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 Whitehouse against the decision of St Albans City & District Council.
 - The application Ref 5/16/2129, dated 7 July 2016, was refused by notice dated 5 September 2016.
 - The development proposed is demolition of existing house and garage and construction of new dwelling.
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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 having regard to the National Planning Policy Framework and any relevant development plan policies;
 - (ii) The effect of the development on the openness of the Green Belt;
 - (iii) The effect of the development on the character and appearance of the area; and
 - (iv) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

3. The appeal site forms part of a well-established ribbon development set in a rural Green Belt location between the built up areas of Harpenden to the west and Wheathampstead to the east. The appeal property comprises a detached bungalow with a steeply sloping hipped roof with flat roofed single storey rear extension and conservatory. There is a single garage/outbuilding to the side with a spacious rear garden and open fields to the rear. The proposal is to replace the existing property with a detached two storey chalet style dwelling.
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Whether inappropriate development in the Green Belt

4. Paragraph 89 of the National Planning Policy Framework (the Framework) establishes that new buildings within the Green Belt are inappropriate development unless the development falls within a list of stated exceptions. One exception involves the replacement of a building provided that the new building is in the same use and not materially larger than the one it replaces.
5. This national guidance is to be read together with development plan policy, including Policies 1 and 13 of the City and District of St Albans District Local Plan Review 1994 (LPR). These policies allow for the replacement of dwellings in the Green Belt where, amongst other things, the new dwelling occupies the site of the original dwelling is similar in character and size to the existing dwelling, plus any extension (including garages or outbuildings) built as part of the original building¹ and is visually well integrated with its rural surroundings.
6. The Council's Residential Extensions and Replacement dwellings in the Green Belt Supplementary Planning Guidance 2004 (SPG) provides supplementary information to assess whether or not the size of a replacement dwelling is acceptable in the context of Policy 13 of the LPR. The SPG outlines that an increase in floorspace of between 20% and 40% maybe acceptable and an increase in volume of between 90 cubic metres and 180 cubic metres.
7. The Council and the appellants agree that the volume of the existing house including the garage/outbuilding at the side measures 614 cubic metres and the volume of the new replacement dwelling would be about 784 cubic metres. This would result in an increase in the volume by 170 cubic metres larger than the existing dwelling.
8. The main parties also agree that the floor space of the existing house would be enlarged through the proposed development albeit there is a difference of opinion regarding the existing and additional floorspace that could be created. The Council states that the floorspace of the existing house including the garage/outbuilding measures 149 sqm and the new replacement dwelling would amount to a floorspace of 235 sqm representing an increase in floorspace by 58%. The appellants, however, state that the floorspace of the existing house measures between 136 and 147 sqm (depending on whether or not the rear conservatory is included) and the replacement dwelling would have a floorspace of 224 sqm representing an increase in floorspace of between 52.4% and 64.7%.
9. The appellants argue that the proposed replacement dwelling would not be materially larger as although the footprint of the house would be increased by about 3.4%, the volume increase would fall within the range suggested by the SPG and would only represent an increase of between 77 sqm and 88 sqm in the floor space.
10. However, fundamentally these complications and the dispute between the parties over the difference in the figures are not crucial to my determination of the appeal. Taking the appellants best case scenario, the proposed replacement dwelling at 224 sqm, would be 52.4% larger than the existing dwelling. I take the view that such an increase in the size cannot reasonably be considered to be anything other than materially larger than the one it

¹ The glossary of the Framework defines 'original building' as that as existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

replaces and does not fall within the fourth bullet point exception of paragraph 89 of the Framework.

11. Separately the appellants argue that the appeal scheme could be considered under the third, fifth and sixth bullet point exception of paragraph 89 of the Framework. The appellants argue that the planning permission granted for the extensions to the appeal property in 2009, but not implemented², supports the appeal proposal. However, this exception requires such extensions to not result in 'disproportionate additions' over and above the size of the original buildings which I consider to be a very different test from it being not 'materially larger'. Consequently, the proposed scheme does not fall within the third bullet point exception of paragraph 89 of the Framework.
12. I agree with the Council that the proposal amounts to a replacement dwelling and does not provide 'limited infilling in villages' or 'limited infilling or the partial or complete redevelopment of previously developed sites'. It clearly involves the replacement of an existing dwelling rather than infilling of a vacant site within the built up frontage along Lower Luton Road and whilst the existing house and garage/outbuilding may fall within the definition of previously-developed land³, the majority of the site does not. In addition, the appeal decision advanced by the appellant in support of the appeal scheme for the limited infilling in villages related to refurbishment of a public house and the erection of a dwelling⁴ and has different development and locational characteristics to the appeal proposal. Consequently, the proposed scheme does not fall within the fifth nor sixth bullet point exceptions of paragraph 89 of the Framework.
13. Consequently, the proposal would constitute inappropriate development in the Green Belt that is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. It conflicts with the aims of the Framework and Policies 1 and 13 of the LPR. In accordance with the Framework, I attach substantial weight to the harm arising due to the inappropriate nature of the development in this location.

Openness of the Green Belt

14. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The Framework advises at Paragraph 79 that openness and their permanence are essential characteristics of Green Belts. Openness is generally defined by an absence of built form and not necessarily to visibility.
15. The proposed replacement dwelling, by virtue of size and bulk, would result in an increase in the built form of the building which would compromise the sense of openness at the site. Consequently, I conclude that the development would result in harm to the openness of the Green Belt and as such would conflict with the aims of the Framework which seek to preserve the openness of the Green Belt. I give substantial weight to that harm.

² 5/2008/1675

³ Annex 2 of the Framework

⁴ APP/N1920/W/15/3124790

Character and appearance of the area

16. The appeal site forms part of a row of dwellings that front onto the northern side of the busy main Lower Luton Road, typically characterised by detached and semi-detached properties set in spacious plots with open fields to the rear. The surrounding dwellings are of varied size and design including chalet bungalows and large two-storey dwellings and present a relatively continuous built frontage with little opportunity to glimpse the countryside beyond. In contrast, the dwelling on the appeal site is notably lower with a gap to one side, providing views of the mature landscaping and established trees within the surrounding gardens and countryside at the rear of the site that adds to the open character and appearance of the area.
17. The proposal would entail the construction of a detached two storey chalet style dwelling with a single storey side extension and a gabled pitched roof. Although it would have a comparable ridge height to the adjacent properties, it would have lower eave heights creating a large expanse of roof.
18. Whilst visually the design of the proposed dwelling would be acceptable, the two storey form of the dwelling and the roof design would nevertheless be substantial. The proposed dwelling, by virtue of its greater height, scale and visual bulk would be considerably more prominent than the existing dwelling in the street scene and would compromise the sense of space and openness in the area. These shortcomings would be exacerbated by the proposal's prominent position, which would be visible from a number of public vantage points along Lower Luton Road. As such, I consider the development would result in an incongruous and out-of-keeping addition that would adversely harm the character and appearance of the area.
19. Consequently, I conclude that the proposal would have a harmful effect on the character and appearance of the area. The development would conflict with Policies 69 and 70 of the LPR. These policies, amongst other things, seek to ensure that all development will be of a high standard of design to reflect local distinctiveness and that the proposal respects the character, visual quality and landscape of the surrounding area. The proposal would not accord with the Framework that development should seek to secure a high quality of design (paragraph 17); to respect the local character (paragraph 58); and to promote or reinforce local distinctiveness (paragraph 60).

Other considerations

20. I have considered the appellants statement that the site layout and the design of the new dwelling have been carefully considered in order to maintain the front profile of the existing building, the existing gap to the side and retain the views of the trees and the open fields at the rear of the site. I have considered the appellants comments regarding the changes in the design of the proposal in light of the previous planning applications and appeal⁵ on the site. Whilst these features together with the use of matching materials and fenestrations would assist in integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above and would fail to maintain the open character of the area provided by the existing dwelling as highlighted by the Planning Inspector for the previous appeal on this site. I therefore accord these matters limited weight in making this decision.

⁵ APP/B1930/W/15/3134862

Very Special Circumstances

21. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also concluded that the proposal would harm the openness of the Green Belt. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt. I consider the proposal would be harmful to the character and appearance of the area to which I attach significant weight.
22. Having considered all of the matters raised in support of the development, I conclude that collectively, they do not outweigh the totality of the harm I have identified in relation to the Green Belt. Accordingly, very special circumstances do not exist and the development would be contrary to Policies 1 and 13 of the LPR and the Framework.

Other matters

23. I have noted the support from a local resident on the basis that the proposal would not detract from the area, but I addressed this above and as such is a matter to which I can attach only limited weight.
24. I have noted the objections raised by Wheathampstead Parish Council to the proposal. However, in light of my findings on the main issues of the appeal, my decision does not turn on these matters.

Conclusion

25. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR