
Appeal Decision

Site visit made on 14 March 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 13 April 2017

Appeal Ref: APP/B1930/D/17/3167932

High Ridge, Spring Road, Kinsbourne Green, Harpenden AL5 3PP

- 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 Simon and Julia Foster against the decision of St Albans City & District Council.
 - The application Ref 5/16/2611, dated 21 July 2016, was refused by notice dated 4 November 2016.
 - The development proposed is described as 'demolition of current Garage and Utility to the side and Reception Room to the rear. Erection of two storey extensions to the side and rear. Garage conversion to Reception Room. Creation of new Front Entrance and Open Porch. Erection of detached Oak Framed single storey outbuilding to the front'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Appellants have referred to other approved residential development within their appeal submission but only very limited details were provided. As a consequence I requested that further details on these developments be submitted by the Appellants and the Council was given the opportunity to comment on this. I have taken account of the additional information I have received and the Council's response within my decision.
3. The Appellants also submitted an arboricultural report as part of the appeal in response to the third reason for refusal set out on the decision notice. The Council were given the opportunity to comment on the report and I have taken that response into consideration.

Main Issues

4. As the appeal site is within the Green Belt the main issues are:
 - Whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the property and the surrounding area, including the effect on trees; and
 - If it is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other
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considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

5. The site is located within the Metropolitan Green Belt. The National Planning Policy Framework (the Framework) states that inappropriate development is by definition harmful and should not be approved except in very special circumstances. Paragraph 89 of the Framework indicates that except for a small number of exceptions, the construction of new buildings within the Green Belt should be regarded as inappropriate. Exceptions to this include where an extension or alteration to a building does not result in disproportionate additions over and above the size of the original building.
6. The Council cites Policies 1 and 13 of the St Albans District Local Plan Review (1994) (LP) within its reason for refusal. I note that Policy 1 does not specifically refer to extensions to dwellings within the Green Belt, but it lists Policy 13 which does. Policy 13 includes seeking to permit extensions to dwellings unless the scale or visual impact would create a building of significantly larger or different character when compared to the original house. The Residential Extensions and Replacement Dwellings in the Green Belt Supplementary Guidance (2004) (SPG) provides further guidance on Policy 13.
7. I note that the dwelling has previously been extended. Taking account of the undisputed measurements provided by the Council, the proposal, in combination with these previous extensions would increase the floorspace of the original dwelling by 111.5% and the volume by approximately 349 m³.
8. The SPG advises that floorspace should only increase by up to 40% for side and rear extensions or increase in volume by up to 180m³. However I note that these figures are for guidance only and that larger extensions above these figures have been found to be acceptable by the Council and by other Inspectors at appeal.
9. In this regard the Appellant has drawn my attention to an appeal decision¹ which allowed extensions to a dwelling which would result in an increased floorspace of 79%. Nevertheless this percentage increase is still considerably smaller than the size of the development that is before me. Furthermore I note that other factors relating to the size of the development, including the extension's significant set down from the main roof, were taken into account by the Inspector in determining that the proposal would not be inappropriate development.
10. I note that the Framework does not specify how a 'disproportionate addition over and above the size of the original building' should be assessed. Therefore whilst not referred to in the Framework, the use of floorspace and volume measurements are useful in assessing the size of an extension, when considered alongside other factors including the overall scale and mass of development.
11. In this regard I note that the increase in floorspace and volume of the appeal dwelling would be significant numerically. In combination with the height,

¹ Appeal Ref: APP/B1930/D/15/3106088

width and depth of the proposal and the previous extensions, I consider the size of the development overall would result in a dwelling that would be substantially larger than the original building. This would not be in accordance with LP Policies 1 and 13 and the SPG. Even if I were to attach limited weight to these policies and the SPG, as suggested by the Appellants, the proposal would still not accord with the Framework, as its overall substantial size would result in disproportionate additions to the original building.

12. Consequently I conclude that the cumulative impact of the proposal and the existing extensions would constitute inappropriate development in the Green Belt. The Framework states that this is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I regard this harm as substantial.

Openness of the Green Belt

13. Openness is an essential characteristic of the Green Belt. I have already concluded that the proposal would result in disproportionate additions to the dwelling. Whilst the scale of change to the openness of the Green Belt by the proposal would be modest in this location, it would nevertheless still have an adverse effect. Consequently the openness of the Green Belt would not be preserved. I find this harm would be significant.

Character and appearance

14. The appeal property is a detached two storey dwelling located within a private residential estate. The dwelling faces onto an open landscaped green area with further detached dwellings to the east and south. To the west is a vacant plot which has recently received planning permission for the development of a detached dwelling. The locality is mainly characterised by detached dwellings of varied design and scale, set back from the highway and sitting within predominantly generous plots. Overall these factors combine to provide a sense of spaciousness within the locality which forms part of the prevailing pattern of development within the area.
15. I recognise that the development proposed to the rear of the property would not be unduly visible from the public realm and that the existing boundary vegetation would restrict some views of the development from the front. Nevertheless the scale and bulk of the building would be significantly altered, changing its character and appearance. Furthermore a large proportion of the proposal, notably the extension to the east would be particularly prominent above the hedgerow and from the driveway, when viewed from within the street scene.
16. On my site visit I saw that the existing openness at first floor level above the garage contributes to the spacious character within the appeal site and it allows views of the trees beyond. Whilst the existing gap between the dwelling and the neighbouring property 'Kestrels' would remain at ground floor level, the extension, due to its height, width and overall bulk would significantly erode the sense of spaciousness at first floor level. In addition the two storey extensions would not appear subservient as the heights would match that of the main dwelling. Their overall size would add considerable more bulk to the existing property which would appear overly prominent.

17. The impact on spaciousness would be further exacerbated by the introduction of the proposed timber outbuilding within the currently undeveloped front garden of the appeal site. This would extend the footprint of the built form within the appeal site. Whilst it would be partially screened from public view by the existing boundary vegetation, part of the roof would be visible above the hedge when viewed from the street. From the evidence before me and from my observations on visiting the locality, outbuildings to the front of dwellings and within close proximity to the front boundary are not an overly dominant characteristic of the area. Accordingly the outbuilding would appear at odds with the prevailing character.
18. As regards the effect of the proposal on the trees in the front garden, I have considered the contents of the arboricultural report produced by consultants for the Appellants. Consequently, as I have no evidence to the contrary, I consider that, subject to the imposition of appropriate planning conditions on any planning permission, the proposal would have a limited impact on the trees.
19. I also note that the development would not lead to terracing, the construction materials would match those of the existing property, and the existing vegetation within the site would remain. Nevertheless the size, scale and massing of the development would not be sympathetic to the character and appearance of the existing dwelling or the surrounding area.
20. Consequently taking all the above factors into account I conclude that the development would result in material harm to the character and appearance of the property and the surrounding area. This would conflict with LP Policy 69 which seeks a high standard of design and Policy 72 which amongst other things, seeks extensions that are appropriate to the original building and does not diminish the space around the building. It would also not accord with the Framework which includes seeking development of good design and that responds to local character to ensure the integration of new development into the existing environment.

Other considerations

21. I have taken account of the benefits of the proposal highlighted by the Appellants. This includes the need to extend the house to accommodate a growing family. However, I can only give these personal benefits limited weight, since the new development would be in place long after the personal circumstances have ceased to apply.
22. In relation to the specific examples of residential development that have been highlighted by the Appellants, those at Rosalia Cottage and Red Stacks relate to replacement dwellings, the adjacent proposal relates to a new house on an infill plot and the development at Springfields was deemed by the Council to be permitted development. As such I do not consider that these specific developments are directly comparable to the proposal and I give them limited weight within my decision.
23. My attention has also been drawn to other large properties within the locality which have previously been extended. Whilst I accept that large properties are not uncharacteristic of the area, no specific details of these other developments have been submitted to me and I therefore cannot be sure that the circumstances under which the various extensions were permitted are the

same. In any case other development within the area would not set a precedent as each case must be considered on its own individual merits.

24. Whilst I note the letter of support from the private estates management company, this would not justify harmful development.

Planning Balance

25. I have found that the development would be inappropriate and would not preserve the openness of the Green Belt which carries substantial weight in accordance with paragraph 88 of the Framework. I have also found material harm on character and appearance which has significant weight. In terms of other considerations, even taken together these have little weight.
26. I therefore conclude that the harm by reason of inappropriateness, the effect on openness and the harm to character and appearance, would not be clearly outweighed and therefore very special circumstances do not exist to justify inappropriate development in the Green Belt. The development is therefore contrary to the relevant provisions of the Framework and the development plan as a whole.

Conclusion

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

Y. Wright

INSPECTOR