
Appeal Decision

Site visit made on 11 July 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 17th July 2017

Appeal Ref: APP/C1950/W/17/3169419

1 Reynards Road, Welwyn, Hertfordshire AL6 9TR

- 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 A Stewart and Ms R Naylor against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2016/0970/HOUSE, dated 16 May 2016, was refused by notice dated 7 November 2016.
 - The development proposed is erection of a two-storey front extension with side facing dormer windows and a front facing dormer within the existing north-west facing roof slope.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - The effect on the openness and visual amenity of the Green Belt.
 - If the development is inappropriate, 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 the development.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. The two-storey extension sought, to a property located within the Metropolitan Green Belt, would be materially little different to a proposal which was dismissed in an appeal decision made on 21 July 2006¹. The Council refers to the previous appeal scheme having a slightly lower ridge height and not including the dormer window within the first-floor extension facing No 3 Reynards Road.

¹ Reference APP/C1950/A/06/2012103

4. Whilst this earlier appeal was decided around 11 years ago it remains a material consideration; particularly so as the proposals are very similar. National Green Belt policy at the time of this earlier appeal was contained in *Planning Policy Guidance Note 2: Green Belts* which was replaced by Part 9 of the Framework in March 2012. However, as with the previous policy, the Framework states in paragraph 87 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. Paragraph 89 of the Framework regards the construction of new buildings as inappropriate in Green Belt other than in respect of the exceptions it sets out. Relevant to this proposal is the exception to inappropriate development of 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. The Framework defines original building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
6. The Council's evidence is consistent with that set out in the previous appeal. The original dwelling in 1949 had a floorspace of 65 m² which had been successively extended by 46 m² in 1959, 49 m² in 1985 and around 2 m² in 1999. This proposal would add about 43 m² which would amount to a dwelling of around 205 m², which would be a cumulative increase in floorspace of some 215% in the size of the original dwelling.
7. Following the reasoning of the Inspector in the previous appeal, this proposal would result in disproportionate additions over and above the size of the original building. The scheme proposed would therefore be inappropriate development in the Green Belt as defined by the Framework.
8. As was the case in the previous appeal, the Council's development plan remains the Welwyn Hatfield District Plan of 2005 (DP) and the relevant policy RA3. The proposal would clearly conflict with Policy RA3 by resulting in a disproportionate increase in the size of the dwelling. Despite the age of this policy it remains consistent with the Framework and so is afforded significant weight in this decision.

The effect on the openness and visual amenity of the Green Belt

9. As set out in Section 9 of the Framework, the Government attaches great importance to Green Belts, where the fundamental aim of policy is to prevent urban sprawl by keeping land within them permanently open. There is no definition of openness in the Framework but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development.
10. Although the dwelling is set back and screened by vegetation from the highway, and sited at a lower level, the additions proposed on the more publicly visible elevation facing Reynards Road would result in a higher eaves and more prominent roof and provide overall for a significantly bulkier dwelling. In a spatial sense the footprint of the dwelling would not increase substantially. However, in a visual sense, I agree with the previous Inspector that the significant extra bulk at first floor level would noticeably reduce the openness of the Green Belt at this location.

11. Consequently, I find that the proposal would result in significant harm due to the resulting loss of openness caused to this part of the Green Belt which the policies of the DP and the Framework seek to resist.
12. In addition to that found to the openness of the Green Belt, the Council's decision finds harm to visual amenity. The Council finds no visual amenity harm arising from either the quality of design proposed, the effect on trees and of car parking, on general landscape character or to the amenities of neighbouring occupiers. I consider therefore the harm to visual amenity in this case is restricted to that relating to the perceived openness of the Green Belt.

Whether there are very special circumstances necessary to justify the development

13. The appellants' case rests mainly upon the very special circumstances that are contended to support approval, despite the harm caused through the inappropriateness of the development and the loss of openness to the Green Belt. Whilst fully appreciating the need for additional bedroom space to accommodate the size of the family, this would not amount to the very special circumstances necessary to support this proposal as this would not be a unique or uncommon demand.
14. Greater weight is given to the fallback position of the ability to implement the proposed single-storey side extension to the existing dwelling and the proposed ancillary leisure building, which have the benefit of a certificate of lawfulness granted by the Council on 19 October 2015². This confirms that the developments proposed could be lawfully carried out as permitted development through the provisions of Schedule 2, Part 1, Class A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).
15. Regard has been given to the Unilateral Undertakings³ submitted by the appellants which commit to not carrying out the erection of the ancillary leisure building and the single-storey side extension or exercising any other permitted development rights either in advance of this appeal decision or should it be allowed. Consideration has been given to the quite recent appeal decision⁴ relating to the nearby property at 21 Rollswood Road. This decision supports the principle that an undertaking not to carry out alternative lawful additions can be considered a very special circumstance which would weigh in favour of allowing a domestic extension which, whilst deemed inappropriate development within and reducing the openness of the Green Belt, would result in less overall harm.
16. Having gone to the length of securing the certificate of lawfulness for the single-storey side extension to the existing dwelling and the ancillary leisure building, I am persuaded that there is a greater than theoretical possibility that the appellants would wish to carry out these developments were this appeal to be dismissed. Nevertheless, the impacts of the fallback scenario in this appeal have to be assessed on their own merits and do not gain automatic support through the decision made at No 21, in which the Inspector had decided that the relinquished permitted development extensions to the sides of the property

² Council reference 6/2015/1721/LAWP

³ Dated 8 March 2017 and 15 June 2017 respectively

⁴ Reference APP/C1950/A/12/2170454 allowed 24 August 2012

would have been visually more prominent than the more contained addition proposed.

17. As already established, the proposals at No 1 would not be similarly contained but be visually quite prominent from the highway and noticeably reduce the openness of the Green Belt at this location. The fallback side extension, being single-storey, would be significantly less prominent than the two-storey front extension proposed. Whilst the built footprint of the ancillary leisure building would reduce the openness of the Green Belt in a spatial sense to a greater extent than the proposed two-storey extension it also would be single-storey and, situated to the rear of the main house, have a relatively more limited impact on the openness of the Green Belt as perceived from a public vantage point.
18. Whilst the undertakings not to carry out the lawful fallback developments would weigh quite significantly in preserving the overall openness of the Green Belt, consequent to carrying out the two-storey extension, these benefits would not fully outweigh the impact of the visually more prominent development proposed. Furthermore, I am persuaded by the case made by the Council that, at a national level, there are no restrictions within the Green Belt over buildings incidental to the enjoyment of a dwellinghouse permitted under Class E of the GPDO. Therefore, in the balance of Green Belt impact, limited harm by definition can be attributed to the ancillary leisure building in respect of it being inappropriate development. In my view, the same argument would apply to the single-storey side extension and other permitted development.

Conclusion

19. This proposal would be inappropriate development in the Green Belt which by definition would be harmful and should not be approved except in very special circumstances. The proposal would erode visually the openness of this part of the Green Belt. The harm to the Green Belt by reason of the inappropriateness of what is proposed, along with that to its openness, must be given substantial weight. This harm would not be clearly outweighed by the other considerations and, therefore, the very special circumstances would not exist to support this development. As a consequence I must conclude, having taken into consideration all other matters raised, that this appeal should be dismissed.

Jonathan Price

INSPECTOR