



Appeal Decision

Site visit made on 31 May 2019

by **G Jenkinson BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: [20 August 2019](#)

Appeal Ref: APP/B1930/D/19/3225780

White Lodge, Birklands Lane, St Albans, AL1 1EE

- 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 Alex Hillier against the decision of St Albans City and District Council.
 - The application Ref 5/18/2929, dated 2 November 2018, was refused by notice dated 25 January 2019.
 - The development proposed is the replacement of the existing roof, two-storey side extension, single storey rear extension and removal of dormer window. Existing rear garage and front covered walkway to be removed.
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Decision

1. The appeal is dismissed.

Main Issues

2. The site is located within the Metropolitan Green Belt. Accordingly, the main issues are:
 - i. Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework and any relevant development plan policies;
 - ii. The effect on the openness of the Green Belt; and,
 - iii. If the development is inappropriate, whether there are any considerations, which would clearly outweigh the harm through inappropriateness, and any other harm, sufficient to amount to very special circumstances needed to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. The appeal site comprises a two storey, large detached property in a substantial plot in Birklands Lane. There are a number of properties accessed via the lane, all within close proximity of each other. The existing dwelling has been previously extended.
4. Paragraphs 143-145 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances

5. Paragraph 145 of the Framework states a local planning authority should regard the construction of new dwellings as inappropriate in the Green Belt; exceptions to this include the extension of a building, provided that it does not result in disproportionate additions over and above the size of the original building.
6. The Council's Supplementary Planning Guidance (SPG) "Residential Extensions and Replacement Dwellings in the Green Belt" (2004) provides specific guidance on the assessment of residential extensions in the Metropolitan Green Belt. The SPG sets out various criteria against which the acceptability of proposals would be assessed including the size of extensions, the cumulative impact with previous extensions, visibility from public viewpoints, and the importance of gaps between dwellings.
7. The guidance on the size of extensions gives a range of 20-40% increase in floorspace as likely to be acceptable dependent on the type of property, and up to 180 cubic metres increase in cubic content. In this instance there is a certain degree of dispute as to the amount, which the property is to be extended. The appellant indicates a 43% increase in floorspace amounting to 40.5m² as a consequence of the appeal proposals, whilst the Council has concluded that taking into account previous extensions and areas to be demolished, the increase would be 50% with an increase in cubic content of in excess of 300m³. The appellant has not provided an assessment of the overall uplift in cubic content.
8. The property has been previously extended, including a single storey rear extension (to the garage), two first floor side extensions (one on each side of the building), a porch and single storey front and side extension. The extensions were constructed post 1951 and are therefore not included in the original floorspace of the dwelling. However, I note that the single storey front, part side projections and the rear part of the garage will be demolished. I therefore conclude that the size of the original dwelling would exclude any extensions that have been made to the property during its lifetime.
9. The proposal, taking account of previous extensions and areas to be demolished will amount to a minimum increase in floorspace of 40.5% and a volume increase in excess of 300 cubic metres. I therefore find that the increase in floorspace and volume is well above the guidelines set out in the SPG. Furthermore, the proposal would reduce the gaps between the dwellings and be highly visible from public viewpoints; thus further resulting in a development that would be contrary to the SPG.
10. Consequently the proposal would result in inappropriate development within the Green Belt. I find conflict with saved Policies 1 (Metropolitan Green Belt) and 13 (Extensions or Replacement of Dwellings in the Green Belt) of the St. Albans District Local Plan Review 1994, and the Council's Supplementary Planning Guidance (Residential Extensions and Replacement Dwellings in the Green Belt) and the provisions of the National Planning Policy Framework, which seek to resist inappropriate development within the Green Belt.
11. Whilst I note that these policies would have been based on previous national policy, they take an essentially similar approach and do not alter my conclusion that the proposal would amount to inappropriate development.

Openness

12. The Framework states that an essential characteristic of Green Belts is their openness. The depth of the proposed rear extension is considerable and the width would encroach on the gaps that exist between the properties on either side. The proposal would therefore result in an increase in the built form on the site and the cumulative bulk of the property would be increased. This would inevitably result in moderate harm to the openness of the Green Belt.
13. I therefore conclude that the proposal would be contrary to Policies 1 (Metropolitan Green Belt) and 13 (Extensions or Replacement of Dwellings in the Green Belt) of the St. Albans District Local Plan Review 1994, the Council's Supplementary Planning Guidance (Residential Extensions and Replacement Dwellings in the Green Belt) and the provisions of the National Planning Policy Framework which seek to ensure that development does not detract from the Green Belts open character.

Very Special Circumstances/Other considerations

14. I have found that the development is inappropriate, and the presumption against inappropriate development would mean that this harm alone attracts substantial weight. The development would also have a moderate adverse effect on the openness of the Green Belt.
15. The appellant has drawn my attention to a number of appeal decisions whereby Inspectors have allowed the appeals. However, I note that these all pre-date the publication of the National Planning Policy Framework and the Council's own SPG, and in any event I do not have the details of the other extensions to understand how they came about. Furthermore, each case must be determined on its own individual merits and therefore I have not given these appeal decisions any more than limited weight in support of the proposal. I also accept that the existing property is somewhat in need of renovation and note that there has been much support for the proposal.
16. Having considered all matters raised in support of the proposal, they collectively do not clearly outweigh the totality of harm arising from inappropriateness and the harm to the openness of the Green Belt which attract substantial weight against the development.
17. Consequently, I conclude that very special circumstances to justify the development do not exist.

Conclusion

18. For the reasons given above, I conclude that the appeal is dismissed.

Gemma Jenkinson

INSPECTOR