



Appeal Decision

Site visit made on 11 September 2019

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 8 October 2019

Appeal Ref: APP/C1950/W/3232245

10 Hawkshead Lane, North Mymms, Hatfield AL9 7TB

- 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 Kevin Jones against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2018/3012/FULL, dated 5 December 2018, was refused by notice dated 31 January 2019.
 - The development proposed is the subdivision of existing single dwelling into 2 detached dwellings with 2 front porches and 1 single storey rear extension, alterations to roof and insertion of front dormers.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the application the appellants submitted a revised drawing to the Council removing the front dormer windows and increasing the scale of the roof hips. The Council did not accept this amendment and determined the application on the basis of the plans originally submitted. I must determine this appeal on the same proposal that the Council considered.
3. The Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission (the Draft Local Plan) has been published but has yet to be examined and found sound.

Main Issues

4. The principle of subdivision of the site is accepted by the Council and established by the extant permission and so the main issues are: -
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies, including any relevant effects on the openness of the Green Belt,
 - The effect of the development on the character and appearance of the area, and: -
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

5. The appeal site lies on the south side of Hawkshead Lane and is currently in the form of a large chalet bungalow with a hipped roof design occupying a substantial plot. This part of Hawkshead Lane is fronted on both sides by detached bungalows and two storey dwellings set back off the road behind large front gardens. The site has an extant planning permission, granted under Council Ref 6/2018/3012/FULL (the extant permission), to subdivide the existing building into two semi-detached dwellings.
6. There is no dispute between the parties that the land is within the Metropolitan Green Belt. Paragraph 145 of the Framework establishes that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. These exceptions 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.
7. In this regard the 'original building' is the building as it existed on 1st July 1948, or, if built later, as it was originally built. Previous permissions have substantially added to the building, resulting in the structure that is the subject of this appeal.
8. Policy GBSP1 of the Welwyn Hatfield District Plan 2005 (the Local Plan) establishes the extent of the Green Belt. The appellants argue that the Local Plan is out of date and the Council is unable to demonstrate a five-year supply of housing land, and that to remedy this land needs to be released from the Green Belt to provide for the Borough's housing needs. The extent of the Green Belt is to be reviewed within the Draft Local Plan. However, I have very limited evidence before me that the site in question is within an area that would be removed from the Green Belt, nor can I pre-judge the outcome of any proposal to remove the site from the Green Belt. Policy GBSP1 is broadly in accordance with the Framework, in as much as it seeks to protect land within the Green Belt from inappropriate development.
9. Policy RA3 sets various criteria against which proposals would be judged and, again, is broadly consistent with the aims of those parts of the Framework whose seek to protect the Green Belt from inappropriate development and encourage good design.
10. The proposal would separate the existing building into two, by demolishing a section in the middle of the building, demolishing part of the eastern end of the building, extending the roof to the east and west to form two separate mansard roofs, replacing the existing rear conservatory with a rear extension, providing a front dormer to each of the new buildings, amending the existing rear dormers and adding a porch to the proposed western building.
11. The Framework identifies the fundamental aim of the Green Belt as "to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". Whilst there is no dispute that the plot could accommodate buildings of the scale proposed, the proposed roof forms are, in combination, more bulky than the single, hipped roof currently in place. The Green Belt has both a spatial and a visual dimension. For the above reasons, regardless of the minor change in floor area

resulting from the proposal, in visual terms the bulkiness of the increased built form of the roof on the site would result in a loss of openness. The roof form would be visible from the public realm and the wider countryside and readily apparent to observers. Therefore, the site reduces the openness of the Green Belt.

12. Whilst the reduction resultant from the demolition work would offset the additional floor area, resulting in a slight decrease to the floorspace currently existing on site, this would still result in a significant increase in floorspace over that of the original building. Further, the extended roof would present a bulkier, more massive combined roof when compared to that which currently exists. Notwithstanding of the opening of a gap in the middle of the building to separate the proposed detached dwellings, the additional roof structure is a disproportionate addition to the building.
13. It has been suggested that the development comprises limited infilling in a village or that it is redevelopment of previously developed land. However, the proposal does not fill an existing gap in an otherwise built out frontage and so cannot be considered to be infilling. Even were I to consider that the development constitutes redevelopment of previously developed land the site reduces the openness of the Green Belt, which is a proviso placed upon such development within the Framework.
14. For the reasons outlined above, I conclude that the proposal would amount to inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies, including any relevant effects on the openness of the Green Belt. The proposal is therefore contrary to Policies GBSP1 and RA3 of the Local Plan and Section 13 of the Framework. Similarly, although for the reasons given above attracting limited weight, the proposal would be contrary to Policies SP3, SP25 and SADM34 of the Draft Local Plan which have similar aims.

Character and appearance

15. The dwellings in this part of Hawkshead Lane, although of varying styles and scale, exhibit hipped or gabled roofs, giving the area a degree of harmony in built form.
16. The proposed development would introduce a mansard roof which would be at variance and discordant with the established style of roofs in the area. Further, the roof form would be bulky and would not reflect the design and character of the dwelling or be subordinate in scale. Given the importance that I have placed in the degree of harmony in roof design this disparity would be so pronounced as to constitute harm.
17. For the reasons outlined above, I conclude that the proposal would result in harm to the character and appearance of the area. This would be contrary to Policies D1 and D2 of the Local Plan which together, amongst other things seek to ensure that development respects and relates to the character and context of the area. Similarly, the proposal would be contrary to those parts of the Framework whose aim is to ensure that development achieves well-designed places.

18. For similar reasons, although attracting little weight, the proposal would be contrary to Policies SP9 and SADM11 of the Draft Local Plan which have similar aims.

Other considerations

19. The appellants argue that, within the Draft Local Plan, a number of changes are proposed to the Green Belt in order to provide more housing land. However, I have very limited evidence before me that the site in question is within an area that would be removed from the Green Belt, nor can I pre-judge the outcome of any proposal to remove the site from the Green Belt.
20. The site has an extant permission to subdivide the building and plot to form two separate dwellings. The appellants have commenced development, but have halted works pending determination of this appeal. I therefore consider that it is likely, in the event that this appeal is dismissed, that the works will be completed and the implementation of the extant permission would provide a fall-back position for the appellants in the event of the failure of this appeal. However, the extant permission does not materially alter the roof form of the proposal and so, if implemented, would not result in the harm to visual openness, or the character and appearance of the area that I have identified above.
21. The appellants have stated that, once the extant permission is fully implemented, the appellant would move into one of the dwellings and create a hip to gable roof conversion and add a rear extension, as permitted development, enlarging each dwelling. However, even should the future occupiers implement such proposals, the form of roof resulting from such proposals would be more in keeping with existing roof forms in the vicinity and would not have the same effect on the character and appearance of the area.
22. The proposal would provide limited benefits to the local economy in terms of short term employment in the construction industry. Taken together, and given the limited scale of the development, these benefits carry limited weight.
23. The Council is unable to demonstrate a five year supply of housing land. The development would provide an additional dwelling to help address the existing shortfall in housing and uses parts of an existing structure to do so. This benefit would also be provided by implementation of the extant permission. So, notwithstanding the absence of a five year supply of housing and the diminution of weight afforded to the Development Plan policy, para 11d disapplies the presumption in favour of development that might otherwise exist. That said, although the contribution to housing supply is relatively modest, the boost to housing supply in a sustainable location is a matter of moderate weight in favour of the proposal.

The Green Belt Balance and Conclusion

24. The Framework establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have not identified any benefits which would clearly outweigh the harm to the Green Belt by reason of inappropriateness and the character and appearance of the area. Furthermore, I attach considerable weight to the harm caused by the proposed development to the character and appearance of

the area. I am also mindful that the proposed development would be contrary to the development plan in all these respects.

25. Against this, I attach little weight to the contention of the appellants that the Draft Local Plan will change the boundary of the Green Belt in favour of the proposal, and that a fall-back option exists that would have a similar effect on the Green Belt and the character and appearance of the area as the proposal. Similarly I attach limited weight to the benefits that would accrue to the local economy by the proposal. Given the shortfall in the availability of local housing land the provision of an additional dwelling in this location is a matter to which I attach moderate weight.
26. Consequently, I conclude that the harm by reason of inappropriateness and any other harm is not clearly outweighed by other considerations, such that the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. Accordingly, I conclude that this appeal should be dismissed.

I Dyer

INSPECTOR