
Appeal Decision

Site visit made on 1 October 2019

by Rajeevan Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2019

Appeal Ref: APP/C1950/D/19/3233267

6 Hanbury Cottages, Hanbury Lane, Essendon, Hatfield AL9 6AY

- 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 James Stubbs against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2019/0470/HOUSE, dated 28 February 2019, was refused by notice dated 26 April 2019.
 - The development proposed is a part one storey and two storey side extension to a semi-detached house with revised parking layout.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following a request from the appellant prior to the site visit date, I also viewed the recently commenced development at The Spinney, High Road, Essendon, Hatfield. I shall return to this matter later in my decision.
3. The Welwyn Hatfield Borough Council Draft Local Plan (the Draft Local Plan) has been published but has yet to be examined and found sound. Therefore, it attracts limited weight as a material consideration.
4. The proposal was amended following submission to the Council but prior to the determination of the application. The revised drawing No 1830-02 revision A is referred to in the Council's decision notice and I am satisfied that no party would be prejudiced were I to take them into account. As such, I have determined the appeal on the basis of this amended drawing which was before the Council when they made their decision.

Main Issues

5. The main issues are:
 - whether the proposal amounts to inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt; and
 - if the development is inappropriate development, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed

by other considerations so as to amount to the very special circumstances needed to justify the development.

Reasons

Whether inappropriate development

6. The appeal site comprises a two-storey semi-detached dwelling within a residential cul-de-sac, situated within land designated as Metropolitan Green Belt, and located within the Brickendon Wooded Slopes Landscape Character Area¹. Part of the curtilage of the site also extends into an area of ancient woodland, known as Blackhouse Wood¹.
7. Policy GBSP1 of the Welwyn Hatfield District Plan 2005 (the District plan) requires that the Green Belt is maintained in Welwyn Hatfield as defined in the Proposals Map. The main parties are in agreement that the site lies within the Metropolitan Green Belt. National policy on Green Belt development is set out in Part 13 of the National Planning Policy Framework, 2019 (Framework). Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Of particular relevance to this appeal is Paragraph 145 which states that the construction of new buildings is inappropriate development in the Green Belt subject to a number of exceptions.
8. One of these exceptions is for 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 (criterion c). This exception is also reiterated in Policy RA3 of the District Plan, which is consistent with the Framework. Accordingly, I have assessed this appeal scheme based upon the Green Belt policies contained in the District Plan and the Framework.
9. The Framework defines "original building" as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. Neither the Framework nor the District Plan explains what is meant by 'disproportionate'. However, Paragraph 25.10 in support of Policy SADM34 of the Draft Local Plan, states that in determining what would constitute a disproportionate extension to a building, a quantitative and qualitative assessment will be undertaken. In quantitative terms, proposals that would result in the footprint, volume and/or above ground external dimensions (height, width) of a building being 50% greater than the original building would generally be refused. However, each case will be assessed on its own merits as there may be circumstances in which a particular proposal for an extension in excess of 50% may be proportionate and acceptable. Whilst the policy, for the reasons given above, carries only limited weight, in the absence of any other local standards I am satisfied that it provides a suitable benchmark for assessing the extension.
10. The original dwelling has been extended with a two storey rear extension and porch², following the removal of the pre-existing ground floor kitchen and lean-to first floor element above. The original dwelling had a footprint of approximately 49.2sq.m and a total floorspace of approximately 96.8sqm³. The Council advise that the existing extensions have increased the footprint of the

¹ Taken from the Officer's Report.

² Council Ref: S6/1983/0183/ approved on the 16 June 1983.

³ Taken from the Officer's Report, based on Council's records of the existing plans submitted under Council Ref: S6/1983/0183/.

dwelling to approximately 61.6sqm (25.2% increase over original building) and a total floorspace of approximately 118.8sqm (22.7% increase over original building). As a result of the proposal, the dwelling would have a footprint of approximately 104.3sq.m and total floorspace of 194.2sqm. Therefore, when combined with the existing extensions, the original building would be increased in footprint by approximately 112% and in floorspace by approximately 100.6%. These figures provided by the Council have not been disputed by the appellant and no further figures of floorspace/footprint have been provided by the appellant. Therefore, I have no reason to disagree with this quantitative assessment.

11. In qualitative terms, whilst there would be no views of the extension when approaching the property along Hanbury Lane (owing to its set back position from the front elevation and set down from the main ridge), it would nevertheless appear as a sizeable addition when viewed from the Lane directly in front of the dwelling. As a result, not only would the footprint of the building be substantially increased, the total floorspace would also be considerably larger. When comparing the original building to the one that would result if the proposal were to go ahead the outcome would clearly be disproportionate.
12. Furthermore, the development would not satisfy any of the other exceptions in paragraphs 145 and 146 of the Framework, Policy RA3 of the District Plan, and Policy SADM34 of the Draft Local Plan. As such, I conclude that the development would be inappropriate development in the Green Belt. In reaching this conclusion, it is of note that paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt.

Effect on the openness of the Green Belt

13. Paragraph 133 of the Framework identifies that one of the essential characteristics of Green Belts are their openness and their permanence. The Courts have held that openness includes both visual and spatial dimensions.
14. Given that the location of the appeal site at the end of lane and the position and design of the proposed extension, set back from the front elevation of the property and set below the ridge level of the main dwelling, I consider that the development would have a limited visual effect on the openness of the Green Belt. However, as the proposal would increase the bulk, footprint and mass of the building, together with the additional off-street parking spaces proposed in front of the dwelling, in spatial terms, the proposal would reduce openness of the site and hence this part of the green belt. I consider that the harm caused to the openness of the Green Belt would be a moderate one.

Other considerations

15. The proposed extension would be located away from the nearest residential properties. As such, the proposal would not raise any harm to the living conditions of neighbouring occupiers in terms of loss of light, outlook, privacy.
16. The Council has also raised no objection in terms of harm to the adjacent Ancient Woodland, owing to the revised drawing submitted (as set out earlier) which includes the omission of the area of block paving and bin store proposed which encroached onto the Ancient Woodland. The Council also state that the proposed area of hard surfacing could be achieved under permitted

development. Based on the evidence before me, I find no reason to disagree with the Council's assessment.

17. Nor do the Council raise any objection in terms of harm to the character and appearance of the area, including the Brickendon Wooded Slopes Landscape Character Area, particularly as the extension has been designed to be built of matching materials, subservient in the appearance to the subject property, and would balance the pair of semi-detached properties, with No 5 Hanbury Cottages, which also has a two storey side extension set back from the front elevation. I find no reason to disagree with this assessment. Most of these aforementioned matters are of neutral consequence in the overall planning balance. However, I attach limited weight to the benefit of the proposal balancing the pair of semi-detached properties.
18. The appellant also states that the proposal offers an opportunity to pull the existing hardstanding, away from the ancient woodland, thereby maintaining a respectful distance away from the ancient woodland which would also improve the health of the adjacent trees. However, the drawings submitted illustrate a greater number of off-street parking spaces are proposed (4) than is currently existing (2), which would have a negative effect on openness. Therefore, I do not consider that this provides support for the proposal.
19. The Design, Access and Sustainability Statement highlights that the proposal is intended to enhance the building's energy performance through insulated walls, double glazed windows and improved draft proofing. It is also stated that water efficiency measures and a new permeable parking area would be provided to reduce surface water run-off. These are positive matters which support the proposal.
20. The appellant also contends that the property could extended the property with a half width two storey side extension, under their permitted development rights, that would be level with the front elevation with no subservient roof, which would represent a poorer design solution than the current appeal proposal. However, the appellant acknowledges that the volume of such an extension would be reduced and the resulting space available to the occupants would be extensively compromised. The total of area of buildings on site would likely to be less, and its impact on the openness of the green belt would not be as great as the proposal which is the subject of this appeal. Consequently, I attach little weight to the fallback option.
21. Furthermore, the economic/employment impact from the construction of the development would be a positive albeit a temporary limited benefit to weigh in the balance.
22. The appellant has also referred me to a number of properties/developments within the vicinity of the site, which are also within the Green Belt. This includes other properties along Hanbury Lane, 4 and 6 High Road and the new development currently being constructed at The Spinney, High Road, Essendon, which I viewed as part of my site visit. However, I do not have the full details of all of these developments, nor the circumstances which led to these approvals. As such I cannot be sure that they represent a direct comparison to the appeal scheme, particularly in terms of the nature of the development. In any case, I have determined the appeal on its own merits.

Planning balance and conclusion

23. I have found that the development would amount to inappropriate development in the Green Belt. This is a matter to which I afford substantial weight. In addition, I have found that moderate harm would be caused to the openness of the Green Belt. In addition, the adverse impacts need to be weighed against the identified other considerations, noting that there would not be significant benefits.
24. In conclusion, the substantial weight to be given to Green Belt harm, and the other identified harm arising from the development, is not clearly outweighed by the other identified considerations sufficient to demonstrate very special circumstances. Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Rajeevan Satheesan

INSPECTOR