



Appeal Decision

Site visit made on 19 August 2019

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2019

Appeal Ref: APP/B1930/D/19/3230396

165 Colney Heath Lane, St Albans, AL4 0TN

- 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 Dr S Ali against the decision of St Albans City & District Council.
 - The application Ref: 5/19/0628 dated 3 January 2019, was refused by notice dated 9 May 2019.
 - The development proposed is single storey front and rear extensions, new roof with rooms within loft, dormer windows, internal alterations and solar panels.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the host dwelling and surrounding area; and
 - If the appeal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

3. No. 165 is located within a row of dwellings fronting the road on the north side of Colney Heath Lane. The wider area to the north and south comprises open fields. The site is located within the Metropolitan Green Belt.
4. The proposed development would add a modestly-sized front extension and large rear extension which would replace an existing conservatory. The accommodation would be extended at roof level through increasing the ridge to form a gable ended roof along the entire length of the extended property with dormers to both roof slopes.

Whether inappropriate development in the Green Belt

5. The construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145. One of the exceptions is c) 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.
6. Saved Policy 13 of the Local Plan sets out that any extension to a dwelling in the Green Belt shall be modest in scale and visually well integrated with its rural surroundings. It sets out that extensions to houses may be permitted provided they do not create a building significantly larger than the original building as existed on 1 July 1948. This policy is consistent with the aims of the Framework in respect of development in the Green Belt.
7. The Council's *Supplementary Planning Guidance Residential Extensions and Replacement Dwellings in the Green Belt* (May 2004) (the SPG) provides further guidance on what is considered acceptable in terms of size, subject to an assessment against a number of criteria. The SPG sets out that the percentage increase in floor space should be between 20% and 40% and the increase in volume should be between 90 cubic metres and 180 cubic metres based on the original dwelling house.
8. The house has previously been extended. The Council's delegated report indicates that the increase in floor space over the original property would be 44% and the volume increase would be 263 cubic metres. These figures are not disputed by the appellant. These exceed the ranges set out in the SPG. I consider that the extensions would therefore amount to a disproportionate addition to the original house.
9. I therefore conclude that the proposal is inappropriate development in the Green Belt. Such development is, by definition, harmful and is contrary to the guidance in the Framework and Saved Policies 1 and 13 of the Local Plan. It would also not accord with the guidance set out in the SPG. The resultant harm should be given substantial weight in determining the appeal.

Effect on the openness of the Green Belt

10. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. There is no definition of 'openness' in the Framework, but it is commonly taken to mean the absence of built or otherwise urbanising development rather than being solely about visual effects.
11. In spatial terms, the proposed extensions would increase the footprint of the building and significantly increase both the height and bulk of the building. The increase in footprint and in the length, shape and volume of the roof arising from the proposal would reduce openness. While the rear extension would not be visible from the wider area, the front and roof extensions would be seen from the street. As such they would visually harm the openness of the Green Belt.
12. The appellant has drawn my attention to nearby properties along this stretch of Colney Heath Lane which have been extended. However, I have not been provided with details of the circumstances in these cases and I cannot

therefore make a meaningful comparison between those developments and the one before me. In any case, I must assess the scheme before me on its own individual planning merits.

13. I conclude that the appeal proposal would result in moderate harm to the openness of the Green Belt. Therefore, it would be contrary to the objectives of the Framework.

Character and appearance

14. The existing bungalow is a modestly sized property. The proposed extensions would significantly increase both the size and height of the property. The main impact arises from the roof extensions, which would increase the bulk of the building. However, this type of extension is not dissimilar to other properties along this stretch of Colney Heath Road some of which have increased ridge heights and dormer windows in both the side and front elevations. Notwithstanding these similar extensions in the locality, there would be some limited harm arising from the roof extensions.
15. The rear extension would not be widely visible. The front extension, while visible, would be modest in size and would square off the existing house. It would not appear as a particularly bulky or dominant addition. These extensions would not be harmful to the appearance of the property.
16. I therefore conclude that the proposed development overall would harm the character and appearance of the host property and the surrounding area albeit to a limited extent. It would therefore conflict with Saved Policy 72 of the Local Plan which, amongst other things seeks development which relates in scale and character to the surrounding area and is compatible with the original building.

Other considerations and Very Special Circumstances

17. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I turn now to address other considerations that, potentially, might clearly outweigh harm arising from inappropriate development in the Green Belt, the erosion of openness and the limited harm to the character and appearance of the area so as to provide the very special circumstances required to justify a grant of planning permission.
18. The appeal proposal would provide additional living space for the appellant's family and would enable him to continue to live within close proximity to his work and local schools. The proposal would also incorporate solar panels, therefore providing some environmental benefits. These factors weigh in favour of the scheme.
19. The proposed development would also not harm the living conditions of neighbouring occupiers. The absence of harm in these respects is a neutral factor.
20. Overall, I find that the other considerations in this case do not clearly outweigh the harm the scheme would cause through inappropriateness, in terms of the openness of the Green Belt and in respect of the character and appearance of the area. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

21. For the reasons set out above, I conclude that the appeal should be dismissed.

Rachael Pipkin

Inspector