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## Appeal Decision

Site visit made on 19 November 2019

**by Chris Forrett BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: Tuesday, 17 December 2019**

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**Appeal Ref: APP/C1950/D/19/3237653**

**4 Hawkshead Lane, North Mymms, Hatfield, Hertfordshire 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 Lacorte against the decision of Welwyn Hatfield Borough Council.
  - The application Ref 6/2019/1381/HOUSE, dated 6 June 2019, was refused by notice dated 5 August 2019.
  - The development proposed is described as single and two storey side extensions restricted to the eastern side of the dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council have referred to policies from the Welwyn Hatfield Borough Council - Draft Local Plan Proposed Submission August 2016 in their reasons for refusal. However, from the evidence before me, this emerging Plan has yet to complete its examination in public. Taking this into account, I can only give these policies limited weight in my decision.

### Main Issues

3. The main issues are:
  - (i) whether the proposal is inappropriate development in the Green Belt;
  - (ii) the effect on the openness of the Green Belt;
  - (iii) the effect of the development on the character and appearance of the area; and
  - (iv) 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 is inappropriate development in the Green Belt*

4. Paragraph 133 of the National Planning Policy Framework (the Framework) outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework, at

- paragraphs 145 and 146, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.
5. Paragraph 145(c) allows 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. The Framework defines 'original building' as the building as it existed on 1 July 1948.
  6. The appeal property is a detached residence which has previously been extended. This includes a two-storey side extension and an attached garage. There is also a detached garage and a covered area between the extended dwelling and the detached garage.
  7. From the evidence before me, the attached garage was constructed prior to 1948, whereas the detached garage and two storey extension were built much later. Therefore, for the purposes of identifying what constitutes the original dwelling, the attached garage must be included. The Council set out that the original floor area would therefore have been 146 square metres whereas the footprint would have been 79 square metres.
  8. However, the Appellant considers that the original dwelling had a floor area of around 168 square metres. Whilst I am unclear on how either the Appellant or the Council have come to their respective figures, from my own calculations, the Council's figure appears to provide the most accurate position in terms of the original floorspace of the dwelling.
  9. The Appellant sets out that the appeal proposal would result in a floor area of just over 294 square metres, which would be in excess of double the floorspace of the original dwelling.
  10. In terms of the footprint of the original dwelling the Council have indicated that this would have been around 79 square metres and the appeal proposal would increase this to around 160 square metres. Whilst I am not convinced that the Council's figure is entirely accurate, it is clear that the appeal proposal would result in a dwelling which would be around twice the footprint of the original dwelling.
  11. In considering whether the size of the resultant dwelling would be disproportionate, such a consideration should not just be limited to floorspace or building footprint, albeit I am conscious of the Camden judgement<sup>1</sup> which set out that in most cases floor space will undoubtedly be the starting point if indeed it is not the most important criterion. That said, the volume of the resultant dwelling would also increase significantly when compared to the original dwelling.
  12. In terms of bulk and massing, the original property was formed (and still is) with a hipped roof. The garage extension has a largely flat roof. In contrast, the appeal proposal would result in a crown roof which would also, cumulatively, result in a significant increase in size.
  13. Taking all of these factors into account, to my mind, the appeal development would result in a disproportionate addition to the host property when compared to that of the original dwelling.

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<sup>1</sup> R (oao Heath and Hampstead Society) and Messrs Vlachos & LB Camden [2008] EWCA Civ 193

14. The Council have referred to Policy GBSP1 of the Welwyn Hatfield District Local Plan (2005) (LP) in their reason for refusal. This policy sets out the definition of the Green Belt and its boundaries. As the proposal does not seek to change this, I do not find any conflict with this policy. That said, it does provide a useful context.
15. For the above reasons, I conclude that the appeal development would result in a disproportionate enlargement for the purposes of paragraph 145 of the Framework and Policy RA3 of the LP. Accordingly, the proposal would be inappropriate development within the Green Belt.

#### *Effect on the openness of the Green Belt*

16. One of the five purposes of a Green Belt, outlined at paragraph 134 of the Framework, is that it should assist in safeguarding the countryside from encroachment.
17. As I have outlined above, the appeal property is a detached dwelling with a hipped roof. The appeal proposal would add a sizeable amount of built form to the original dwelling and it is inevitable that the bulk of the building would be increased by the proposed extensions and would therefore reduce Green Belt openness.
18. Whilst I acknowledge that there would be limited views of the extension from public vantage points, with perhaps the most prominent view being from Warrengate Road some distance away, the main visual changes would be in respect of changes to the existing roof. However, this does not overcome or outweigh the loss of openness.
19. I therefore conclude that the development would lead to a loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework and Policy RA3 of the LP.

#### *Character and appearance*

20. The Councils' concern in this respect principally relates to the size of the extension and the roof alterations. The proposal includes changes to the existing roof to form a much larger crown roof, together with a crown roof section over the two storey extension. From the submitted plans, this change in roof form appears to be designed to allow the roof space to be utilised in the future. Whilst this is not the proposal before me, the resultant increase in bulk of the roof is a matter which I must consider.
21. To my mind, the roof alterations would result in a significant increase in massing of the building when compared to the existing roof. Whilst I accept that the altered roof would not be any higher than the highest part of the existing roof, the increase in roof height of the existing extension together with the continuation of the roof over the shared bathroom/location of future stairs to loft space would result in a roof form which dominates the building. It would also result in the loss of the subservient nature of the existing two storey extension.
22. The altered roof would also be overly complicated at the rear of the property where it would be over the existing two storey extension. It would also include a large overhang to the front eastern corner of the main roof. Whilst these

elements of the design would detract from the resultant property, I consider that given the very limited views of them from public vantage points these factors are not determinative ones. However, they do add weight to my overall concerns over the roof structure as a whole.

23. Turning to the width of the resultant building, as pointed out by the Appellant, the two-storey side extension would be set back from the main front wall of the existing dwelling. Whilst I accept that the two-storey element would be marginally wider than the width of the original dwelling, given its location and set back I consider that this does not result in significant harm to the host dwelling.
24. I am also conscious that the bedroom 5 element of the extension would have a lower roof form, which would provide a degree of subserviency to the rest of the resultant dwelling. That said, this would not overcome the harm I have found in relation to the roof of the main part of the dwelling.
25. Taking all of the above into account, I consider that the development would harm the character and appearance of the host dwelling principally as a result of the scale and bulk of the its roof. The proposal would therefore be contrary to Policies D1 and D2 of the LP which amongst other matters seek a high standard of design which should respect, and as a minimum, maintain the character of the existing area. It would also be at odds with the design aims of the Framework.

#### *Other matters*

26. The Appellant has provided details of a fallback scheme which the Council has granted a Certificate of Lawful Development<sup>2</sup> for. The fallback position scheme includes a two-storey rear extension and single storey side extensions to both sides of the house. The two-storey rear extension would have a crown roof with a ridge height broadly the same as the existing two storey side extension. The single storey side extensions would have flat roofs.
27. The Appellant has set out that the floorspace for the fallback scheme and the appeal scheme are broadly the same whilst the footprint of the appeal scheme would be much smaller<sup>3</sup>. Taking these figures into account, the fallback scheme would appear to have a much greater impact on the openness of the Green Belt.
28. However, I find it significant that no information has been provided in respect of the cubic content of the respective schemes. This is particularly significant given my findings in respect of the overall size and massing of the resultant roof. From the limited information before me, the appeal scheme would have a much greater volume than the fallback scheme principally as a result of the increase in roof volume. To my mind, this significantly reduces the benefit of the appeal scheme in respect of its footprint when compared to the fallback position.
29. I have also taken account that the proposal would be well screened from the surrounding area with only long-distance views possible and that the extended dwelling would only take up a very small portion of the overall plot size. However, these are only very minor factors in favour of the proposal.

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<sup>2</sup> Reference 6/2019/0073/LAWP

<sup>3</sup> 204 square metres for the fallback scheme, 160 square metres for the appeal scheme.

### *Green Belt balance*

30. I have concluded that the proposal would be inappropriate development and would have an adverse effect on openness. I have also concluded that the development would harm the character and appearance of the host dwelling.
31. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Therefore, substantial weight should be given to the harm to the Green Belt. Very special circumstances to justify inappropriate development 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.
32. The fallback position is a factor which provides some justification why planning permission should be granted. However, the positive aspect of the smaller footprint of the appeal scheme is severely tempered by the large increase in volume principally as a result of the design of the roof. The other factors in favour of the appeal development are only very minor.
33. Taking this into account, and in considering the substantial weight given to the Green Belt, I am of the opinion that the benefits outlined above do not clearly outweigh the harm to the Green Belt. Therefore, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal would conflict with the Framework and Policy RA3 of the LP.

### **Conclusion**

34. Taking all matters into consideration, I conclude that the appeal should be dismissed.

*Chris Forrett*

INSPECTOR