



Appeal Decision

Site visit made on 25 November 2019 by Andreea Spataru BA (Hons) MA

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th January 2020

Appeal Ref: APP/C1950/D/19/3237058

33 The Avenue, Welwyn AL6 0PW

- 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 A Taylor against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2019/1329/HOUSE, dated 3 June 2019, was refused by notice dated 24 July 2019.
 - The development proposed is described as "Raising of existing roof to facilitate extension of existing first floor. Proposed works to include erection of 1 x front facing dormer and 1 x rear facing dormer, insertion of 3 x roof lights to existing roof on side elevation, alterations to fenestration and lengthening of existing side dormer."
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan policy;
 - 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 property and surrounding area; and
 - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether inappropriate development in the Green Belt

4. The appeal site comprises a chalet bungalow located on the western side of The Avenue, within the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraphs 145 and 146 of the Framework set out the forms of development that are not considered inappropriate within the Green Belt. These include the extension or alteration of a building provided that it does not result in a disproportionate addition over and above the size of the original building.
5. What constitutes a disproportionate addition is not defined within the Framework nor within Policy RA3 of the Welwyn Hatfield District Plan or Policy SADM 34 of the Draft Local Plan Proposed Submission 2016. An assessment of whether the proposed extensions would be 'disproportionate' in the context of paragraph 145 is therefore a matter of planning judgement.
6. There would be no increase in the footprint of the building. However, the Council indicates that the extensions, when taken cumulatively with previous additions, would increase the floor space of the original dwelling by around 53%. Whilst this figure is disputed by the appellant, who considers the proposal to represent a 46.2% increase in floorspace, based on these purely statistical measurements, the proposed and existing extensions considered together would constitute a significant increase in floorspace over that of the original dwelling.
7. However, when considering whether the extensions are disproportionate compared to the original dwelling, is necessary as part of the planning judgement to consider the scale, bulk, massing and built form that would result from the changes sought. In this case, the additions to the first-floor level would add substantial bulk and massing to the building. As such, it would represent a significant increase in the external dimensions of the building as well as in the apparent volume and scale of the original dwelling.
8. Consequently, comparing the original dwelling to the dwelling that would result if the proposal were to go ahead, the outcome would be disproportionate. It would therefore be inappropriate development, which according to paragraph 143 of the Framework is, by definition, harmful to the Green Belt.

Openness

9. The Framework indicates that openness is an essential characteristic of the Green Belt. The development would increase the scale and mass of the dwelling. As a result, both in visual and spatial terms, the openness of the Green Belt would be reduced. However, given the scale of the extensions and the extent of the Green Belt, the harm arising from the development in this respect would be limited.

Character and appearance

10. Policies D1 and D2 of the Welwyn Hatfield District Plan (2005) require new developments to respect and relate to the character and context of the area and the design of the developments should incorporate the design principles and policies in the Plan and the guidance contained in the Supplementary Design Guidance (SDG). The SDG provides more specific guidance for residential extensions and states that, amongst other things the extensions

should be designed to complement and reflect the design and character of the dwelling and be subordinate in scale.

11. The existing building is characterised by a wide, front facing gable, with subservient single storey side addition and a substantial forward projecting element which has a gabled end. The proposed development has been designed to match the materials, eaves and roof pitch of the host property. However, viewed from the front, the form and bulk of the roof of the extension coupled with its height, would dominate and thereby detract from the gabled form of the original building. In addition, its half-hip design would introduce an element which would be discordant with the design of the rest of the building. Furthermore, due to the cumulative effect of first-floor side extension, the front and rear dormers and the extension to existing dormer, the proposal would form a top heavy, dominant feature that would adversely affect the character and appearance of the original dwelling. Consequently, given its significant scale, form and siting in relation to the host dwelling, it would fail to reflect the style and form of the host dwelling and would also fail to appear subordinate to it.
12. I note the Council's concern about the effect of the proposal on the gap between properties and thus on the character and appearance of the surrounding area. The SDG requires a minimum distance of 1m between two-storey/first-floor side extensions and the adjoining flank boundary and states that existing spacing in the streetscene should be reflected, which may result in larger distances required. This spacing is required to, amongst other things, prevent over development across plot widths and a terracing effect within areas of detached and semi-detached properties.
13. Neighbouring properties vary in terms of scale, design, and siting in relation to adjoining dwellings. The proposal, whilst adding significant massing to the side, at the first-floor level, would not reduce the existing gap between properties Nos 31 and 33. Given that there would be no additional footprint to the side of the dwelling, the development would not be perceived as an over development of the plot and the proposal would not create a terracing effect. However, although the appeal dwelling is set-back from the street and is currently partly screened by existing boundary treatment and trees, the proposal, because it would detract from the appearance of the dwelling, would also have a negative effect on the appearance of the surrounding area, albeit to a limited degree.
14. Accordingly, for the above reasons, I find that through a combination of scale, form and siting in relation to the host property, the proposal would result in significant harm to the character and appearance of the original dwelling and limited harm to the appearance of the surrounding area. Therefore, the development would be contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan and advice in the SDG.

Other considerations

15. The Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

16. Whilst I understand that the size of development has been reduced in comparison to the previously refused scheme¹, these amendments are not sufficient to make the appeal proposal appear proportionate to the original dwelling.
17. The appellants have drawn my attention to an appeal decision² they consider relevant. However, that decision pre-dated the introduction of the Framework in 2012. I note that the Inspector allowed the appeal even though the development was found inappropriate, because of the very special circumstances of that case. The overall design of the proposal was found to be acceptable in that case. As such that proposal does not appear to be directly comparable with the proposal before me.
18. I note that neighbouring properties vary in terms of size and scale. However, the fact that neighbouring properties are larger in scale than the appeal dwelling does not make the proposed extensions acceptable in terms of the tests of the Framework relating to the Green Belt. I also acknowledge that other properties in the area, including the neighbouring property No 35, have been extended. However, I am not persuaded that the extensions at these properties, which appear sympathetic to their hosts, are directly comparable to the appeal proposal. Accordingly, this matter carries limited weight in favour of the proposal.
19. I note that no objections have been made by third parties and that letters of support have been received. However, a lack of objections is not a determinative factor.
20. I acknowledge that the proposal would provide a more sustainable alternative to continually moving to a new house for the appellants. However, good design is a key aspect of sustainability. I am unconvinced that similar benefits could not be provided by a less intrusive proposal and this limits the weight I can give the matter as a benefit of the scheme.

Whether very special circumstances necessary to justify the proposal exist

21. To conclude, the appeal proposal would be inappropriate development in the Green Belt, which would, by definition, be harmful to the Green Belt. It would also cause limited harm to the openness of the Green Belt and would be detrimental to the character and appearance of the host property and of the surrounding area. The Framework requires that substantial weight is given to any harm to the Green Belt and that '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.
22. Despite having regard to all the other considerations put before me, I consider that taken together, the factors cited in its favour do not clearly outweigh the harm the scheme would cause. Consequently, very special circumstances do not exist, and the proposal would conflict with the Framework and Policy RA3 of the Welwyn Hatfield District Plan.

Conclusion

¹ Application ref: 6/2018/3271/HOUSE

² Appeal ref: T/APP/C1950/A/96/273188/P9

24. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR