



Appeal Decision

Site visit made on 3 February 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Appeal Ref: APP/C1950/D/19/3238505

15 Northaw Road West, Northaw, Potters Bar EN6 4NW

- 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 George Anastasiou against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2019/1836/HOUSE, dated 24 July 2019, was refused by notice dated 19 September 2019.
 - The development proposed is single storey side and rear extension and first floor rear extension following demolition of garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the appeal form as it more accurately describes the development shown on the submitted plans than the description on the application form. I have however omitted the words 'retention of' as this is not an act of development.
3. On my visit, I saw that a single storey rear extension has been erected at the site. I understand this extension forms part of a development that was refused planning permission by the Council with a subsequent appeal also dismissed¹. The submissions indicate that the appeal scheme seeks to address the reasons for those decisions. My assessment is based on the submitted plans.
4. The Council's refusal reasons refer to policies from the Welwyn Hatfield Borough Council - Draft Local Plan Proposed Submission August 2016. This emerging Plan is not adopted and so attracts limited weight in my assessment.

Main Issues

5. The appeal site is located within the Green Belt and so the main issues are:-
 - whether the proposal represents inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy; and
 - the effect on the openness of the Green Belt; and
 - the effect on the character and appearance of the host building; and

¹ Council ref no 6/2019/0154/HOUSE

- whether the proposed rendering of the building would preserve or enhance the character and appearance of Northaw Conservation Area (CA), and
- if the development would be inappropriate, 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 necessary to justify it.

Reasons

Whether inappropriate development in the Green Belt

6. Saved policy GBSP1 of the Welwyn Hatfield District Plan 2005 (DP) states that the Green Belt in the district will be maintained. DP policy RA3 states that permission for extensions to existing dwellings within the Green Belt will only be allowed where the proposal would not result in a disproportionate increase in the size of the dwelling. The DP policies are broadly consistent with paragraph 145 of the Framework which defines the construction of new buildings as inappropriate development in the Green Belt. However, the extension of a building would not be inappropriate provided it does not result in disproportionate additions over and above the size of the original building.
7. The appellant states that the proposal would result in an addition of 29% to the floor area of the original dwelling, which measured 262.9 sqm. In contrast, the Council say that the proposal would represent an increase of 40% in terms of floor area and 67% in terms of building footprint. The Council also refer to the design, bulk and scale of the extensions to justify its view that the proposal would represent disproportionate additions.
8. Neither the Framework nor the development plan provide a definition for 'disproportionate addition'. However, DP policy RA3 and paragraph 145 of the Framework refer to an increase in the size of the building, not just the building's floor area or footprint. As such, an assessment of the size of the proposal compared to the original house is required, rather than just a comparison of floor areas.
9. As it would extend across most of the entire rear elevation and beyond the side wall, the proposed single storey extension would appear disproportionate to the width of the original house. Also, whilst shorter than the previously refused development, the single storey extension would significantly project out into the back garden beyond the original rear elevation. Moreover, the crown roof would increase the height of the proposal compared to that previously refused by the Council and dismissed on appeal. The first floor extension would be seen more as part of the host property rather than a projection to the rear, but nevertheless would also add to the scale of the overall development.
10. Consequently, the proposal would add significant bulk to the house and would appear disproportionate to the original dwelling when viewed from the rear. As such, the proposal would be inappropriate development in the Green Belt.

Openness

11. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. By reason of its volume, the proposal would spatially reduce the openness of the appeal site. Whilst partially screened by a

boundary hedge, the side elevation of the ground and first floor elevations would be seen from the benches on the opposite side of the road to the appeal site, and the extension as a whole would be seen from a distance further along Church Lane, as well as from adjoining properties. As such the proposal would also visually reduce the openness of the site.

12. Reference has been made to the demolition of the existing garage. However, it would appear the garage has already been removed and so any benefit to the openness of the Green Belt through its removal no longer applies.
13. Whilst a large part of the back garden would remain undeveloped, for the above reasons the proposal would cause a loss of spatial and visual openness of the site. In isolation, the loss of openness would be small, but nevertheless, the proposal would harm one of the essential characteristics of the Green Belt.

Character and appearance of host building

14. The appeal property is a detached house that includes interesting architectural features that provide an attractive vertical emphasis to its main elevations. By reason of its width, depth and horizontal emphasis, the proposal would have a marked impact on the rear elevation of the house. The proposed rear facing fenestration would fail to vertically align with the original windows above and would be much larger, thereby undermining the building's attractiveness. Also, by virtue of its height and width, the single storey extension would unduly encroach upon views of the first floor windows and upper parts of the house from the back garden.
15. As it would be largely screened by the roadside hedge, the development would have only a localised visual impact. Also, it is noted that there is a degree of variety in building design in the local area. However, these factors would not fully overcome or address the harm caused by the proposal's unsympathetic design to the main house.
16. For these reasons, I conclude that the proposal would harm the character and appearance of the host property. Consequently, and in this regard, it would be contrary to policies D1 and D2 of the DP as well as the Framework, that aim, amongst other things, to ensure development represents high quality design that respects and relates to the character of the area. DP policy GBSP2 is referred to in the Council's refusal reason but is irrelevant as it relates to towns and specified settlements, excluding Northaw. Furthermore, no specific part of the Council's Supplementary Design Guidance 2005 has been referred to me and so it has had no bearing on my consideration in respect of this main issue.

Rendering

17. The appeal property lies in the CA, which gains it significance from the range of interesting buildings of various styles and age that form the core of the rural village. By reason of its age, retention of original architectural features and prominent corner position, the appeal property makes a positive contribution to the character and appearance of the area. I have had regard to the legal duty² to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA in my assessment.

² Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990

18. The proposal includes rendering the prominent front and side elevations of the building which are currently constructed of buff colour bricks of some age and interest. However, a range of external materials are apparent in the CA, including render and painted brickwork. As such, the proposed rendering of the building would not be out of character with the area. Also, a render finish would be consistent with the age, style and form of the appeal property.
19. For these reasons, I conclude the proposed rendering of the external walls of the building would not harm the character or appearance of the CA and so, in this regard, the proposal would accord with DP policies D1 and D2 and the Framework. These aim, amongst other things, to ensure developments do not harm the character and appearance of an area.

Other considerations

20. The appeal site benefits from planning permission for the construction of an extension³. The appellant advises that whilst the ground floor element of the approved extension would be slightly smaller than this appeal proposal, its first floor element would be larger and more visible. The appellant also suggests the appeal proposal would be more sympathetic to the host dwelling than the approved development.
21. The implementation of the 2017 planning permission is greater than a theoretical possibility and so represents a fallback position to which I attach weight. However, I have not been provided with the full details of the approved extension and so I am unable to draw comparisons with the appeal development. From the information provided, it is unclear whether the appeal proposal would be less harmful than the approved scheme in terms of its impact on Green Belt openness. Also, irrespective of the approved scheme, I have found the appeal development would cause harm to the character and appearance of the host property. As such, I am not persuaded that the current proposal would bring significant benefits compared to the approved scheme and so I attach only limited weight to the fallback position in my assessment.
22. The appellant also claims the appeal proposal could be erected under permitted development rights if it was detached from the main dwelling. However, no evidence has been provided to show it is likely that a detached outbuilding would be constructed if the appeal was dismissed or that such a building would have a more harmful effect on the Green Belt or character and appearance of the host building. Also, the appellant refers to permitted development rights for larger extensions to dwellings, although it seems likely that such rights would not apply to the appeal property as it lies in a conservation area. Overall, I attach limited weight to the consideration of development that may be constructed at the appeal property under permitted development rights.
23. Reference is made to an extension approved by the Council at 7 Kentish Lane. However limited information has been provided on this development and the circumstances that led to permission being granted. As such, I am unable to draw accurate comparisons to the appeal development. No evidence has been provided to show that there is a need for large family houses in Northaw or that such a need has to be met through the appeal scheme. The fact the parish council raised no objection to the proposal fails to address the identified harm

³ Council reference number 6/2016/2041/FULL

caused by the proposed. As such, I attach limited weight to these factors in my assessment.

Green Belt balance

24. The appeal scheme represents inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances only exist where the harm by reason of any inappropriateness and any other harm is clearly outweighed by other considerations. Government policy dictates that, in carrying out the balancing exercise, substantial weight is to be given to any harm caused to the Green Belt.
25. As well as harm by reason of inappropriateness, the development would cause a loss of spatial and visual openness, thereby adversely impacting on one of the essential characteristics of the Green Belt. Given its localised visual impact, I attach moderate weight to the harm that would be caused to the character and appearance of the host property. The proposal would be acceptable in terms of the effect of the rendering on the appearance and character of the CA, but this is a neutral factor that fails to override the identified harm.
26. On considering all the relevant matters, I conclude that the benefits of the appeal scheme and all other considerations do not clearly outweigh the totality of harm the development causes to the Green Belt and the other harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the development conflicts with the Framework and DP policies GBSP1 and RA3 which, amongst other things, seek to maintain the Green Belt and its openness and to resist inappropriate development in it unless very special circumstances exist.

Other Matter

27. In the event that I determine the appeal should be dismissed, the appellant has asked me to consider issuing a split decision that allows the first floor extension but does not permit the single storey extension. However, I am uncertain that the first floor element of the proposal is clearly severable from the other parts of the proposed development and so a split decision as requested would not be appropriate.

Conclusion

28. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR