



Appeal Decision

Site visit made on 2 June 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th June 2020

Appeal Ref: APP/B1930/D/20/3246682

Ivory Cottage, Rose Lane, Wheathampstead AL4 8RD

- 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 David Duggett against the decision of St Albans City & District Council.
 - The application Ref 5/19/2242, dated 29 August 2019, was refused by notice dated 25 November 2019.
 - The development proposed is described as 'raising existing rear roof structure to provide attic accommodation, with dormer structures to the side elevations, new elevational treatment, new porch, converting part outbuilding back to garage function. Single storey side extension.'
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council altered the description of application 5/19/2242 to read 'Front porch, single storey side extensions with rooflights, loft conversion with raising of ridge height, two dormer windows and two rooflights to create habitable space, conversion of outbuilding to garage.' This is also the description entered on the appeal form and I have therefore considered the appeal on this basis.

Main Issues

3. The appeal site is within the Green Belt. Accordingly, the main issues are:
 - i) whether or not the proposal would be inappropriate development in the Green Belt;
 - ii) the effect of the proposal on the openness of the Green Belt; and
 - iii) if the development would be 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 it.

Reasons

Whether Inappropriate Development in the Green Belt

4. The National Planning Policy Framework (the Framework) makes clear that substantial weight must be given to any harm to the Green Belt, and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework identifies that, with certain exceptions, the construction of new

buildings is inappropriate in the Green Belt. The specified exceptions include the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building, although the Framework does not define 'disproportionate additions'.

5. Saved Policy 1 of the City and District of St Albans District Local Plan Review 1994 (the DLPR) defines the Green Belt and states that other than in Green Belt settlements listed within Policy 2, permission will not be given for development here unless very special circumstances exist, or it is for specified purposes. These purposes do not include residential extensions, but in this regard DLPR Policy 13 notes that extensions in the Green Belt may be permitted unless the scale or visual impact upon the building as originally constructed would create a significantly larger building. These policies pre-date and are not wholly consistent with the terms of the Framework, but in these respects, they conform broadly to the thrust of national Green Belt policy.
6. The Council's Residential Extensions and Replacement Dwellings in the Green Belt Supplementary Planning Guidance 2004 (the SPG) provides additional guidance. This suggests that an increase in volume of between 90m³ and 180m³, or an increase in floorspace of between 20% and 40% (subject to a maximum increase in the cubic content of 300m³) may be acceptable in respect of side and rear extensions, but that the acceptable size of other extensions will generally be smaller. The SPG further notes that the impact of proposals will be considered cumulatively with previous extensions.
7. The main parties refer to previous extensions to the front and rear of the appeal dwelling¹, and I note the appellant's comments that the increases in floorspace and volume that have already occurred are considerably above the guideline levels identified within the SPG. The proposal would further increase the size of the dwelling, and the appellant has not challenged the Council's assessment that the proposal would result in a total increase over the original dwelling of around 80% in floorspace and around 420m³ in volume. These increases would significantly exceed the SPG guideline levels.
8. As a consequence, I conclude that the proposal would amount to a disproportionate addition over and above the size of the original dwelling, and a building which is significantly larger. Accordingly, it would be inappropriate development which is by definition harmful to the Green Belt, and I give this harm substantial weight. There would also be conflict with saved Policies 1 and 13 of the DLPR, as well as with the Framework.

Openness of the Green Belt

9. In common with other dwellings on Rose Lane, there is generous spacing around the detached dwelling on the appeal site. Together with the surrounding agricultural fields, this contributes a notable sense of openness to the site and surrounding area.
10. The proposed porch would be of limited scale and would be either screened by, or viewed against, the existing dwelling. As a result, it would have a limited impact on the openness of the Green Belt. The set down of the roof to the proposed side extension would also help to reduce the impact of this element,

¹ Application reference 5/1985/0053

although the dwelling's increased width and the greater spread of development on the site would lead to some reduction in openness.

11. However, the proposed alterations to create a first-floor level include an increase in the height of the dwelling, and the scale of the extension to the rear together with the gable end design and dormer projections to either side would be bulky. These alterations would significantly increase the mass of the upper part of the dwelling, resulting in an inevitable loss of openness.
12. I acknowledge that the small number of properties served by Rose Lane may limit levels of vehicular traffic passing the site, but at my visit I saw a number of pedestrians and cyclists using Rose Lane. Despite screening by vegetation to the boundaries of the site, the development would be visible from the surrounding area, including at the access of the site from Rose Lane where the increased height and bulk of the first floor level would be apparent.
13. The Framework emphasises that openness is one of the essential characteristics of Green Belts. While the impact would be relatively modest given the scale of the extension, I find that the proposal would nevertheless result in some harm to openness of the Green Belt in both spatial and visual terms. This would conflict with saved Policy 13 of the DLPR which seeks to preserve the openness of the Green Belt, as well as with the Framework. I give substantial weight to the harm to the openness of the Green Belt.

Other Considerations

14. I note that a Lawful Development Certificate has been granted for single storey rear, side and front extensions to Ivory Cottage² ('the LDC'). The appellant advises that this would provide the additional floorspace sought, and I have no reason to doubt that the appellant would implement the LDC development as an alternative to the scheme before me if the appeal were dismissed. I have therefore considered the proposal in light of this fallback position.
15. From the evidence before me, the proposed porch would be of slightly increased height in comparison to that under the LDC, although the side extension would be comparable. Even so, the porch would be below the roof of the dwelling and its position means that it would be screened by, or seen against, the existing built form of the dwelling. With respect to these elements, there would be little tangible difference in the impact of the proposal on the Green Belt in comparison to the LDC.
16. I acknowledge that as proposed, the floorspace of the development would be equivalent to the LDC development. It would also be of lesser volume, and would not increase the footprint of the dwelling. However, while the LDC includes a rear extension which would increase the footprint of the dwelling, this would not project deeper or higher than the existing ground floor level. In addition, it would be screened in views from the access of the site by the existing dwelling, and as the appellant has highlighted there is dense vegetation to the boundaries of the site which provides substantial screening to much of the ground floor level of the dwelling. Opportunities for views of the extension and the impact on the Green Belt would therefore be fairly limited.
17. In contrast, the proposed development would be of greater height than the existing roof of the appeal dwelling, increasing the prominence of the

² Application reference 5/2019/0539

development. Although the appellant has suggested that only a small part of the proposed roof would be visible from the gate to the appeal site, I saw that the significant increase in the bulk and massing of the upper part of the appeal dwelling would also be appreciable from this point in views along the side of the dwelling. Accordingly, there would be a distinct loss of openness. In my view, the fairly modest reduction in volume of the dwelling from the LDC proposal would not offset or mitigate this greater loss of openness.

18. I therefore find that in relative terms, the proposal would result in greater harm to the Green Belt than the LDC development. Consequently, the fallback position does not add more than limited weight in support of the appeal.
19. Moreover, there would be no physical constraint to implementation of the single-storey rear extension aspect of the LDC development, alongside the appeal proposal. I note the appellant's suggestion that light and views would be blocked between the two rear extensions, but there would remain alternative windows to the rear of each. I am not therefore persuaded that construction of both rear extensions would be implausible. A condition to remove permitted development rights would only take effect once permission is implemented, and while I do not doubt the appellant's intentions, any permission would run with the land. In the absence of a robust mechanism to prevent the implementation of the LDC scheme prior to the appeal proposal, I can therefore afford little weight to the appellant's statement that this would not occur.

Conclusion

20. Drawing matters together, the proposed development would be inappropriate development which is, by definition, harmful to the Green Belt. The proposal would also lead to a loss of openness which would cause harm to the Green Belt. The Framework advises that substantial weight should be 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.
21. In favour of the proposal, the increase in the footprint and volume of the dwelling would be less than would occur under the LDC fallback development. Even so, I have found the proposal to result in greater harm to the openness of the Green Belt, and I cannot be certain that the LDC rear extension would not be implemented alongside the appeal proposal. I have also noted comments submitted in support of the proposal. However, these factors do not clearly outweigh the harm that I have identified so as to amount to the very special circumstances necessary to justify the development in the Green Belt.
22. The proposal would therefore conflict with Saved Policies 1 and 13 of the DLPR, as well as the Framework, and there are no material considerations which would outweigh the conflict with the development plan.
23. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR