



Appeal Decision

Site visit made on 22 June 2020

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2020

Appeal Ref: APP/N1920/D/20/3247547

2 Medburn Cottages, Watling Street, Elstree, WD6 3AB

- 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 Ms Woolf against the decision of Hertsmere Borough Council.
 - The application Ref: 19/1616/HSE dated 7 October 2019, was refused by notice dated 3 December 2019.
 - The development proposed is demolition of existing conservatory, new double storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As well as this appeal, I am also the Inspector for a separate appeal (Ref: APP/N1920/D/20/3247543) at the adjacent at No. 1 Medburn Cottages next door, relating to a proposal for the demolition of a conservatory and a new two-storey rear extension. As Inspector for the other appeal I am aware of the details of that case and will have regard to it as appropriate.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt and on the character and appearance of the area;
 - if the proposal 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 necessary to justify it.

Reasons

Inappropriate development

4. The appeal site is the end dwelling in a small row of dwellings in a largely open and rural landscape setting in the Metropolitan Green Belt. Paragraph 143 of the National Planning Policy Framework (February 2019) (the Framework)

explains that inappropriate development is, by definition, harmful to the Green Belt. It should not be approved except in very special circumstances. Paragraph 145 c) lists an exception to inappropriate development, as the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. Another exception at 145 g) is the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt.

5. Policy CS13 of the Hertsmere Core Strategy (2013) (the CS) sets out a presumption against inappropriate development in the Green Belt. Policy SADM26 of the Hertsmere Site Allocations and Development Management Policies Plan (2016) (the SAP) requires proposals be assessed in accordance with CS13, and for compliance with a number of listed criteria. They include similar criteria to the Framework for the scale of development for an extension (ii) or redevelopment (iii). Policies SADM26 and CS13 are consistent with the Framework in so far as they require the application of national Green Belt policy to consider whether a development is inappropriate development.
6. For the purposes of paragraph 145 c) the Framework defines the original building as that as it existed on 1 July 1948 or as constructed if built afterwards. The dwelling benefits from the addition of a glazed kitchen extension and an attached terrace, to be removed and relocated respectively, as part of the proposals. The proposed two-storey gable extension would extend and increase the internal accommodation on both floors. The increase in size is particularly large at first-floor level, where the new development would appear to increase the level of floor space from approximately 25 square metres (sqm) to approximately 75 sqm. This would be under a gable roof providing further additional volume, extending back approximately over 8.5m to the rear. This gable would be longer than the original frontage gable roof. The resultant increase in height, bulk and mass of the side and rear of property would be very considerable.
7. In the context of the existing property, the proposed development would result in disproportionate additions over and above the size of the original building. Therefore, in respect of paragraph 145 c) of the Framework it would be inappropriate development.

Openness and character and appearance

8. The Framework explains the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open (paragraph 133). It also states that one of the essential characteristics of Green Belts is their openness. The dwelling is set within a large plot surrounded by some mature vegetation. As the roof tapers down from the first-floor ridge to the glazed kitchen, the surrounding vegetation and the single storey height means the kitchen has a limited visibility from the frontage on Watling Street (A5183) and the largely open rural landscape to the north, south and west.
9. The development would result in the dwelling having a markedly increased footprint and it would be considerably larger in respect of its volume, floorspace, massing, bulk, scale and overall size. Most of this would be at first floor level. This considerable increase would have a significant spatial and physical impact upon the openness of the Green Belt at the appeal site.

10. Although to the rear of the dwelling, the increased depth, bulk, massing, scale and size resulting from the proposals would have a filtered visibility at close proximity from the north of the frontage on Watling Street. It would also be visible as a large extension from views from parts of the expanse of open agricultural land to the west. To the north there is a relatively thick vegetative screen. The vegetation that is within the appeal site, has not been offered for long term retention in the appellant's list of potential conditions. When the surrounding trees are not in leaf the extent of the visibility and therefore perception of the visual harm to openness would be greater. In any event, the surrounding vegetation could not mitigate all of the harm from the development. For these reasons, the development would appear as a significant addition to the dwelling that would be harmful to the visual and spatial openness of the Green Belt.
11. The appellant has provided details and extracts of a number of legal cases with reference to the Green Belt. In this particular instance, the visual perception and impact of this development does not reduce the spatial harm to the Green Belt¹. The extracts of appeal decision Ref: APP/C1950/W/19/3227024 appear to suggest it related to a building within an extensive equestrian complex with very limited visibility beyond the immediate area. It differs from the appeal proposal because in the context of this site and its surroundings it would be significantly visible as would its harm to openness.
12. I note the appellant's summarisation of the Euro Garages case², the Turner case³, and the Supreme Court Judgement of Samuel Smith Old Brewery (Tadcaster)⁴. The latter judgement highlights that openness is not necessarily a statement about the visual qualities of land or implies freedom from development, in considering the materiality of an impact of a quarry extension. Having regard to the nature, character and context of the appeal site and surrounding area, the prominence of the existing dwelling and the scale and nature of the development, there is a clear significant visual and spatial harm to the openness of the Green Belt, due to the considerably larger and deeper dwelling. Whilst I note the references, they do not alter my conclusions in respect of the development.
13. The shape and design of the extension would appear matched to the character and appearance of the host and neighbouring dwelling. However, the width, depth, scale and massing would not appear subservient to it. It would have matched the rear of the No. 1, if appeal Ref: APP/N1920/D/20/3247543 had been allowed. However, that appeal has been dismissed, so it would have a greater depth. On balance, in so far as its relationship with the existing dwelling, it would be generally compliant with relevant criteria of Policies SP1 and CS22 of the CS and SADM30 of the SAP and relevant standards of the Hertsmere Planning and Design Guide (2006).
14. However, the impact upon the openness of the Green Belt, would conflict with Policy CS13 of the CS and the Framework in so far as there is a presumption against inappropriate development. It would also conflict with principle (iv), and (i) and (ii) of the second criteria of Policy SADM26 of the SAP. These require the scale, height and bulk of development is not harmful to the

¹ Goodman Logistics Developments (UK) Ltd v SSCLG and Slough BC [2017] EWHC 947 (Admin)

² Euro Garages Ltd v SSCLG & Anor [2018] EWHC 1753 (Admin)

³ Turner v SSCLG and East Dorset Council [2016] EWCA Civ 466

⁴ R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council [2020] UKSC 3

openness of the Green Belt, not larger than the building it replaces, or is not cumulatively disproportionate to the original buildings. Therefore, if the development were to be considered as redevelopment of previously developed land under paragraph 145 g) of the Framework, it would result in a greater impact upon the openness of the Green Belt than the existing development, and it would be inappropriate development. Compliance with some criteria of SADM26, as suggested by the appellant, does not mitigate or override the harm I have outlined in respect of the other criteria.

Whether very special circumstances exist

15. The appellant suggests the proposed development is such that it does not need to rely upon very special circumstances as it would not constitute inappropriate development. However, for the reasons set out above, I have found that it would constitute inappropriate development. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any identified harm to the Green Belt.
16. The development would result in some modest benefit in respect of the provision of improved internal accommodation. However, the evidence does not suggest the development is essential for the dwelling to be habitable. The development would appear to result in a neutral impact upon the character and appearance of the host dwelling. The degree of compliance with the relevant design and character policies is a neutral effect. Although it would be compliant the requirements of the Building Regulations, this would appear a small benefit. The development would be compliant in respect of surrounding vegetation, ecological interests, crime prevention, flood risk, and highway safety. The development would also maintain acceptable living conditions. These effects are neutral.
17. However, the factors and benefits set out by the appellant would collectively not clearly outweigh the harm identified to the Green Belt, which carries substantial weight, so as to amount to the very special circumstances necessary to justify the proposal. Therefore, the proposal conflicts with the development plan and the Framework in this regard, and material considerations do not lead me to a decision otherwise.

Conclusion

18. The proposed development would be contrary to the development plan and the National Planning Policy Framework as a whole, and there are no considerations, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR