
Appeal Decision

Site visit made on 5 October 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2020

Appeal Ref: APP/C1950/D/20/3254252

16 Great North Road, Welwyn, Hertfordshire AL6 0PL

- 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 Chris Antoniou against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2020/0409/HOUSE, dated 12 February 2020, was refused by notice dated 16 April 2020.
 - The development proposed is described as 'Erection of a single storey infill extension'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt, and its effect on the openness of the Green Belt; and
 - If the proposal would be inappropriate development in the Green Belt, 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 the proposal would be inappropriate development

3. The appeal site is located in the Metropolitan Green Belt as defined by Policy GBSP1 of the Welwyn Hatfield District Plan 2005 (LP) in conjunction with the proposals map. Policy RA3 of the LP is concerned with extensions to dwellings in the Green Belt. It states that extensions to existing dwellings within the Green Belt will only be allowed where two criteria are met. The first being that the proposal would not individually, or when considered with existing and approved extensions, result in a disproportionate increase in the size of the original dwelling. This test within the policy is consistent with that in Paragraph 145c) of the National Planning Policy Framework (the Framework).
4. Policy RA3 does not define the terms 'original building' or 'disproportionate increase'. The latter is a matter of planning judgment, but the Framework defines the original building as it was when first constructed or as it existed on 1 July 1948. I have therefore used this definition in my assessment.

5. The Council have stated that historic records indicate that the original floor area of the building was in the region of 87.5sqm. The same records apparently demonstrate that the building has been extended considerably since 1974, with around 215.5sqm added. This has increased the floor area of the building by around 245%. The appellant has not disputed these figures and therefore I have no reason not to rely on them. Such an increase in floor area is a very strong indicator of a disproportionate increase in the size of the property. The appeal scheme would add another 12sqm. Therefore, the appeal scheme, when considered cumulatively with existing extensions, would result in the appeal property being substantially larger than the original dwelling.
6. An assessment of what constitutes a disproportionate addition goes beyond mathematical calculations. The matter also needs to be considered spatially, with reference to the massing, scale and general visual perception of the proposal. The proposed extension would appear subservient to the existing property as it would infill a small corner space. However, the impact needs to be considered cumulatively with other extensions. Over time, the bulk and massing of the building has increased considerably due to successive additions, including roof additions. Therefore, although modest when viewed in individually, the proposal, when considered cumulatively with existing extensions, would result in the substantial and disproportionate enlargement of the original dwelling.
7. In conclusion, the appeal scheme would be a disproportionate extension over and above the size of the original dwelling and therefore the proposed development would not meet the exception set out in the first limb of Policy RA3 of the LP. It would therefore be inappropriate development in the Green Belt which would, by definition, harm the Green Belt.

The effect of the proposal on the openness of the Green Belt

8. The proposal would result in additional massing being added to the property where there is none currently. This would reduce the openness of the Green Belt. However, the proposed extension would be low, difficult to see from outside the appeal site and would infill a corner space between two parts of the property. Accordingly, the perception that the building had been enlarged, and the openness of the Green Belt eroded, would be very limited.
9. As such, the proposal would result in only some very modest harm to the openness of the Green Belt. The Framework advises that openness is an essential characteristic of the Green Belt, the fundamental aim of which is to keep land permanently open. The harmful loss of openness caused by the appeal scheme would be at odds with this fundamental aim.

Other Considerations

10. The proposal would be a modest single storey extension finished in matching materials, positioned discretely in views from the public realm and sited tight to the massing of the existing building. It would therefore integrate with the character and appearance of the property and would not result in built form encroaching into the open countryside or dominating the plot. As such, the proposal, by preserving the character and appearance of the area, would not be at odds with the second limb of Policy RA3 of the LP. However, both criteria within the policy need to be met to ensure no overall conflict with it. I have

already concluded the proposal would be at odds with the first criteria of the policy and consequently there would be an overall conflict with Policy RA3.

11. The Council has confirmed that in its view the proposal would not be at odds with Policies D1, D2 and RA10 of the LP and the supporting Supplementary Design Guidance, which together seek to secure development that respects and relates to the character of the area and its landscape quality. Nor has the Council taken issue with any of the matters listed in Paragraph 6.2 of the appellant's statement of case. I have no reason to disagree. However, the absence of any harm is a neutral matter.
12. It is a point of common ground between the appellant and the Council that the proposal would not directly undermine the five purposes of the Green Belt expressed in Paragraph 134 of the Framework. However, the absence of harm in this respect cannot outweigh the harm to the Green Belt I have identified by reason of inappropriateness and effect on openness.
13. There would be some minor economic benefits from the construction of the extension, and these would support economic growth. However, the benefits would be short lived and modest in scale. As such, this is a point of very limited weight in favour of the proposal.
14. The evidence before me does not demonstrate the Council's draft Local Plan is at an advanced stage of preparation and consequently there is potential for further amendments following its examination. As such, the emerging policies, including Policy SADM34, carry limited weight and have not been determinative in my assessment of the proposal.

Whether there would be Very Special Circumstances

15. The Framework states that inappropriate development will not be permitted unless very special circumstances can be demonstrated. 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.
16. The appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. There would also be some very modest harm to the openness of the Green Belt. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt. Conversely, the other considerations identified are collectively of very limited weight as matters in favour of allowing the proposal.
17. Accordingly, the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist.

Conclusion

18. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

Graham Chamberlain
INSPECTOR