



Appeal Decision

Site visit made on 1 October 2020

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/P1940/D/20/3248487

Westcott, Dimmocks Lane, Sarratt, WD3 6AP

- 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 M Doouss against the decision of Three Rivers District Council.
 - The application Ref 19/2032/FUL, dated 17 October 2019, was refused by notice dated 19 December 2019.
 - The development proposed is Single storey side and rear extensions, porch, roof extension including installation of front and rear dormers and rooflights and alterations, following demolition of garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposal would be inappropriate development in the Green Belt having had regard to the National Planning Policy Framework 2019 and any relevant development plan policies, (ii) the impact of the proposal upon the openness of the Green Belt, (iii) whether any 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 required to justify the proposal.

Reasons

Whether the proposal is inappropriate development in the Green Belt

3. The National Planning Policy Framework 2019 (the Framework) is clear that construction of new buildings in the Green Belt should be regarded as inappropriate. As an exception to this paragraph 145 c) states that extension or alteration of a building is not inappropriate development in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. This is reflected within the Council's Development Management Policies Local Development Document 2013 (LDD) which, in Policy DM2, states that cumulative extensions which are disproportionate in size to the original building will not be permitted.
4. The Council's Supplementary Planning Guidance No.3: 'Extensions to Dwellings in the Green Belt' (SPG) indicates that extensions resulting in a cumulative increase in floor space of up to 40% of the floor area of the original dwelling will normally be unacceptable. Although this guidance relates to superseded policies, the LDD advises that it will be taken into account until it is incorporated into a future design supplementary planning guidance.

5. A cumulative increase over and above the original dwelling may be considered to be a disproportionate addition, however, increase in floor area is only one approach to assessing whether something is a disproportionate addition. It is also important to consider height, bulk and massing which would occur as a result of the proposal as well as the site history.
6. The appeal property is a detached bungalow which has previously benefitted from existing extensions including a single storey side extension, single storey rear extension, an increase in ridge height and extensions to the roof to the rear.
7. The proposal seeks to demolish an existing garage and construct a single storey side and rear extension as described in the heading of this decision. In this case I consider the proximity of the existing garage means it should be considered as part of the existing dwelling. The original dwelling, including the garage, had a floor area of 167.43 sq./m¹. The dwelling as it stands at the point of the planning application, has a floor area of 233.37 sq./m. The dwelling has therefore already been increased by 65.94 sq./m (circa 40%) in terms of floor area.
8. The proposed floor area within this appeal proposal is 331.40 sq./m which is very close to double the floor area of the original dwelling (including the garage). I appreciate there are some differences in calculations by both parties but even on the appellant's calculations alone the proposal would result in a 148% increase in floor space when compared to the original dwelling.
9. The original dwelling would, essentially, be lost within the cumulative effect of the additions. The combination of the proposals, which essentially wrap around the existing dwelling, as well as proposing a porch and front and rear dormers (the introduction of a dormer window to the front elevation being a new design feature), mean that they would be disproportionate additions to the original dwellinghouse which has already benefitted from previous extensions.
10. The proposed single storey rear extension does have a low profile and would replace the garage located behind the rear elevation in the garden. The extensions to the rear would be limited in views. The single storey side extension would be of a greater height, with a pitched roof, and bring the built form forward substantially by comparison to the existing garage leaving minimal space between the appeal site and the neighbouring property. I find that this would appear large, and dominant, increasing the prominence of the dwelling compared to the existing views of the property.
11. It is noted that the appellant has submitted examples of other decisions made by the Council as well as appeal decisions and that these have resulted in approvals of relatively large extensions. Previous decisions do not set a precedent and each case should still be considered on its own merits. Compared to the cases submitted I find the cumulative effect of the existing extensions, and the elements proposed within this appeal, to represent disproportionate additions to the original dwelling and would have an adverse visual impact on the Green Belt.

¹ Floor areas taken from drawing no.: EB/WEST-08

12. In finding that the proposal does represent a disproportionate addition over and above the size of the original building the proposal is, therefore, inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
13. The proposal would therefore be contrary to LDD Policy DM2 which seeks avoid extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building and Core Strategy 2011 Policy CP11 which states a general presumption against inappropriate development that would not preserve the openness of the Green Belt. The proposal would also fail to fall within the exception within paragraph 145 c) of the Framework.

Openness

14. Given the appeal site setting the rear extension would be limited in views beyond the site. The side extension and roof alterations would be visible from oblique angles of the site along Dimmocks Lane. The garage, which is currently behind timber gates, is set back behind the rear of the dwelling as well as being of a low height with a flat roof. It currently provides a break in the built form between the appeal site and Oakwood which is constructed right up to the boundary.
15. The proposed side extension would be of a greater height, with a pitched roof, and bring the built form forward substantially by comparison to the existing garage leaving minimal space between the two properties. The movement of built form forward, hard up to the site boundary I find would have an unacceptably adverse effect on the openness of the site. This would, in turn, cause moderate harm to the openness of the Green Belt both visually and spatially.
16. This loss of openness would be contrary to both the Local Plan and the Framework which seeks to protect the Green Belt. Substantial weight must be attached to any harm to the Green Belt.

Other Considerations

17. An unimplemented planning permission, or permitted development rights, cannot count as part of the baseline as a material consideration. They are, however, relevant in considering whether very special circumstances exist. I note that the appeal site benefits from a grant of prior approval (18/2511/PDE).
18. In *Mansell v Tonbridge and Malling BC & others* [2017] EWCA 1314 the judgement by the Court of Appeal confirms that there should be "real prospect" of a fallback development being implemented. I note that the applicant contends they would implement the prior approval scheme if this appeal was not successful, however, I am not convinced based on the evidence before me that the stated fallback position has a greater than theoretical possibility that it might take place. I have no evidence of intent, for example, a material start on the scheme with building regulation sign off.
19. Also, the grant of prior approval proposes two 8m deep extensions to the dwelling as shown outlined in blue on drawing EB/WEST-08. I find that whilst

the prior approval granted would result in an identical floor space to the appeal proposal that is where the similarities of the two proposals end and that they are materially different. The prior approval does not allow the single storey side extension (which I have found to impact upon the openness of the Green Belt), the extension to the roof or the crown roof form as proposed within this appeal. The prior approval also proposes two separate extensions which would result in an odd internal layout.

20. As a result of this, I attribute little weight to the stated fallback position.
21. For Burnham Cottage (16/1168) I do not have the Council's assessment of the proposal, or the site history, only the existing and proposed plans, decision notice and floor plans. I acknowledge that the proposal does have some similarities to this appeal and the Council's report would be key in understanding the justification behind this approval. Based on the evidence before me I do not have enough detail on the merits and details of this particular case to attach more than little weight to it within the consideration of this appeal.
22. The proposal at Oakwood (15/1074) was for a single storey rear extension only which itself was modest (infilling the last corner) but the property had been previously extended. Overall, the proposed extensions allowed a cumulative increase of 88% relative to the original building, but the proposal was held not to result in visual harm as I have found for this appeal. Therefore, I attach limited weight to the Oakwood scheme.
23. In the Willow Tree appeal² the proposal was replacing an existing single storey side wing with a new two storey side extension (and alterations to existing windows and doors). The Inspector stated that when considered against the existing building the development would not be disproportionate when compared to the form, bulk and height of the building or in its relationship with neighbouring buildings. There was also a minimal increase in footprint. As outlined above I do not find that this is the case for the appeal site and as such that appeal has no material weight.
24. I have considered conditions relating to the sustainability improvements for the dwelling, however, they would not assist in overcoming the harm I have identified within this decision.

Conclusion

25. For the reasons given, the weight of the other considerations does not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances to justify the development do not exist. Therefore, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR

² APP/P1940/D/17/3180951