



Appeal Decision

Site visit made on 12 October 2020

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th October 2020

Appeal Ref: APP/P1940/D/20/3256393

2 Sarratt Bottom Cottage, Moor Lane, Sarratt WD3 6DB

- 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 & Mrs A Phillips against the decision of Three Rivers District Council.
 - The application Ref 20/0541/FUL, dated 10 March 2020, was refused by notice dated 6 May 2020.
 - The development proposed is garage extension and partial conversion to a Music/Games and Gym Room.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt;
 - the effect of the proposed development on the openness of the Green Belt and on the character and appearance of the area; and,
 - if the proposed development would be inappropriate development, 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

Inappropriate development

3. The proposal relates to a detached outbuilding within a sizeable residential plot in a rural landscape setting in the 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.

4. Policy DM2 of the Development Management Policies Local Development Document (2013) (the LDD) is consistent with the current Framework in stating extensions that are disproportionate in size to the original building will not be permitted. However, DM2 b) includes criteria for consideration for extensions, and DM2d) sets out an exception relating to the provision of ancillary buildings subject to certain criteria. Policy CP11 of the Core Strategy (2011) (the CS) is consistent with the Framework insofar as it states there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt or would conflict with the purpose of including land within it.
5. The Extensions to Dwellings in the Green Belt Supplementary Planning Guidance (2003) (the SPG) states a cumulative increase in floorspace of more than 40% compared to the original dwelling will normally be unacceptable. The calculation excludes outbuildings and garages unless integral to and built at the same time as the dwelling. Whilst still referred to in paragraph 4.5 of the LDD, the SPG was founded on superseded policies, predating the CS and LDD and both the original and revised versions of the Framework. Floorspace is only one element of the consideration of an extension's size for the purposes of paragraph 145 c) of the Framework. In relation to this appeal proposal the SPG attracts very limited weight.
6. This proposal is for the extension of an outbuilding built later and separately from the dwelling. Whilst being single storey the outbuilding has a relatively steep roof slope, being approximately 2.2m to the eaves and 4.4m to the ridge. The extension would match it in terms of width, depth, roof shape and height. It would result in an approximately 80% increase in the size of the original building in terms of its width, floorspace and volume, and would visually be a large addition in relation to it. In my view therefore, it would be a disproportionate addition above the size of the original outbuilding.
7. The garage was not part of the original dwelling, which has been extended. This appeal proposal, the existing building and extension to the dwelling would add approximately 78 sqm of footprint, which would be only a limited amount less than the footprint of the original dwelling. A significant proportion of the footprint would be set under the relatively high garage roof. So even if I were to consider the buildings on the plot overall, taking into account additions above that of the original dwelling, the increase would still be disproportionate.
8. For the reasons set out above, the development would result in a disproportionate addition and would not meet the exception in paragraph 145 c) of the Framework. However, Policy CP11 of the CS and parts of DM2 of the LDD advise regard will be had to any impact upon openness and some attributes of character and appearance in assessing whether a development is inappropriate development. Paragraph 145 g) of the Framework lists an exception as the limited infilling or the partial or complete redevelopment of previously developed land, provided it would not have a greater impact on the openness than existing development. Therefore, my findings on these matters will determine whether the development would meet 145 g) or be compliant with the development plan policies.

Openness and character and appearance

9. The plot is set on a valley slope with the dwelling and outbuilding separated by approximately 25m, at the higher side of the plot. As the plot is surrounded by

mature vegetation and the extension would be under some trees, the visibility of it would be restricted when trees are in leaf. However, this would have some seasonality, increasing visibility to a limited degree when deciduous trees are not in leaf. The significant increase in width from approximately 6m to 10.8m, when taken together with its bulk, volume and position would feature noticeably in the setting of the main dwelling from within the residential plot, and at certain times of year from limited points outside it such as through parts of the hedgerow. Overall, the increase in built development would result in a modest visual impact upon the openness of the Green Belt.

10. The existing trees, embankment and valley topography are naturalised features comprising part of the existing landscape. Having regard to the increased bulk, size, area and volume of the development, it would have a significant adverse effect upon the spatial openness of the Green Belt. Therefore, the development would not constitute an exception under part b) of Policy DM2 and there is a presumption against such development in Policy CP11 of the CS. The development would also not meet the exception of paragraph 145 g) of the Framework, if the site was to be considered as previously developed land.
11. The existing dwelling has a width of approximately 13m. However, even with the extension it is somewhat more limited in depth and its historic form is of a relatively limited height for a two storey dwelling. The new extension would result in the outbuilding having a width of approximately 10.8m and the ridge would only be a limited amount lower than the main dwelling. Notwithstanding the design and materials, due to its width, height and volume, even omitting or limiting windows, the resulting outbuilding would not be of a scale that is clearly subordinate to the main dwelling. Furthermore, as set out earlier the development would affect the visual and spatial openness of the Green Belt. Therefore, it would not meet criteria i) of Policy DM2 d).
12. The development would not be prominent in the wider landscape. However, the increase in the size, scale, bulk and volume of development would result in some increase in urbanising development, resulting in a conflict with criteria ii) of DM2 d). The development would not conflict with criteria iii) in respect of its features. The Council does not set out an objection in relation to Policy CP1 of the CS in respect of design quality that respects local distinctiveness, or CP12 of the CS in respect of local context and conserving or enhancing the character, amenities and quality of an area. I see no reason to disagree.
13. However, for the reasons set out above, the proposed development would be inappropriate development in the Green Belt that would have an adverse effect upon the openness of the Green Belt. It would conflict with Policy DM2 b) and d) of the LDD and Policy CP11 of the CS. Amongst other things these require that the development does not have an adverse impact upon the openness of the Green Belt, does not appear more prominent in the setting of other buildings and must be clearly subservient to the host dwelling. It would also conflict with the Framework insofar as this states the fundamental aim of Green Belt policy is to keep land permanently open.

Other considerations

14. 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. 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.

15. The development would provide additional accommodation, storage and garaging for the appellants' family, would make more efficient use of the residential plot, and would be compliant with relevant criteria of CP1 and CP12 of the CS and DM13 and Appendix 5 of the LDD in this regard. These are small benefits, which attract a small amount of weight. It would be compliant with relevant aspects of Policies CP1, CP10 and CP12 of the CS and DM1 and Appendix 2 of the LDD, in respect of design, character and appearance, the living conditions of neighbouring occupiers, and parking provision. The Council raises no objection in respect of trees and biodiversity. Compliance with the relevant aspects of policies in these regards attracts neutral weight.
16. However, all the factors and benefits set out by the appellants do 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 proposed development conflicts with the development plan and the Framework in this regard, and material considerations do not lead me to a decision otherwise.

Conclusion

17. 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