
Appeal Decision

Site visit made on 23 November 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2020

Appeal Ref: APP/C1950/D/20/3257125

2 Digswell Hill, Welwyn AL6 9AL

- 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 K Piggott against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2020/1122/HOUSE, dated 18 May 2020, was refused by notice dated 24 July 2020.
 - The development proposed is creation of first floor above existing extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council, whilst referring to the Welwyn Hatfield District Plan 2005 (the District Plan) within refusal reason 1 of its decision notice, has not cited those specific policies within the District Plan that are of relevance to this refusal reason. However, the Council's delegated report refers to Policy RA3 of the District plan when considering the impact of the proposed development in the context of the Green Belt. In addition, Policies RA1, RA2, RA3, GBSP1, GBSP2 and GBSP3 of the District Plan that relate to the Green Belt have been provided. I have taken these policies into consideration in reaching my decision.

Main Issues

3. The main issues raised in respect of this appeal are: -
 - a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - b) The effect of the proposal on the openness of the Green Belt;
 - c) The effect of the proposal on the character and appearance of the host property and the area; and
 - d) Whether harm by reason of inappropriateness would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal?

Reasons

Inappropriate development

4. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts being their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. Policy RA1 of the District Plan sets out the very special circumstances in which permission will only be given, however the proposed development does not fall within the criteria listed. Policy RA2 lists those settlements in the Green Belt within which development could potentially be permitted but the appeal site is not located within any of those settlements listed.
6. The Framework states that the local planning authority should regard construction of new buildings as inappropriate development in the Green Belt unless it is one of seven specific exceptions (paragraph 145 of the Framework). One of the exceptions is 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'.
7. Policy RA3 of the District Plan sets out that extensions to existing dwellings within the Green Belt will be allowed but only where certain criteria are satisfied. Criterion (i) requires the proposal not to individually or when considered with existing or approved extensions to the original dwelling, result in a disproportionate increase in the size of the dwelling. Criterion (ii) requires extensions not to have an adverse visual impact on the character, appearance and pattern of development of the surrounding countryside.
8. The Council has undertaken a mathematical exercise which indicates that previous implemented planning permissions have extended the floor area of the property by approximately 34m² (approximately 44.54%). There is also an extant planning permission in place that could add a further 9.6m² approximately to the property, however there is no clear indication that that permission is to be implemented. This proposal would add a further 56.8m² approximately to the property. This, along with the previous implemented planning permissions, would result in a significant increase of floor area over and above the size of the original property. The Council has calculated this to be a collective increase of approximately 107%, which would more than double the floor space of the original property. The proposal, taken collectively with the previous implemented planning permissions, would be a disproportionate addition to this property.
9. The Framework does not define what is meant by a disproportionate addition. However, considering the extent of additional floor space created over and above that of the size of the original floor space, this provides a numerical indication of proportional increase. Even if a separate qualitative aesthetic assessment could be made, I consider a factual quantitative numerical calculation to be a reasonable approach to assessing proportionality.
10. In not complying with the exceptions, the proposal would be inappropriate development in the Green Belt, which paragraph 143 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except

in very special circumstances. I also find that the proposal does not comply with Policy RA3 Criteria (i) of the District Plan.

11. I have taken into consideration Policies GBSP1, GBSP2 and GBSP3 of the District Plan. However, these policies deal with the defined boundaries of the Green Belt and settlement pattern within it and do not specifically relate to extensions to dwellings in the Green Belt. The Council's delegated report also refers to emerging Policy SADM 34 but I have not been advised what stage the emerging plan is at or whether this policy would be subject to scrutiny or potential change. As a consequence, I give little weight to the emerging policy cited.

Openness

12. Paragraph 133 of the Framework indicates that openness is one of the essential characteristics of Green Belts. The proposal would result in the increased in the size of the dwelling and this would reduce openness by virtue of created increased built development in the Green Belt. As a result, this would have a negative effect on the openness of the Green Belt. For this reason, there would be a degree of harm arising from this development, in addition to that arising from the inappropriate nature of the development. This would be so irrespective of whether the extension would be visible from Digswell Hill or the design of the proposal being considered appropriate within the Green Belt.
13. Consequently, I find that the proposal does not comply with paragraph 133 of the Framework as it would not preserve the openness of the Green Belt.

Character and appearance

14. The original property is a small Victorian gatehouse building. It has been extended mainly to the rear; however, the original gatehouse is still discernible despite those later additions. The ridge and eaves of the later extensions are positioned at a lower level to those of the original gatehouse and this gives the subsequent extensions an appearance of subservience to the host property.
15. The proposal would create a first floor above the rear extensions. This would substantially increase the height and bulk of development at the rear of the gatehouse. Although by design this would create a series of transitional roof heights constructed using matching grey slate, the extension would not be subordinate in scale to the original property. As such, it would not respect or relate to the character or form of the host building. The proposal would not enlarge the existing footprint of the property and would incorporate matching detailing and materials. Nonetheless, it would be a visually dominant addition that would visually overwhelm and detract from the distinctiveness of the original bijou gatehouse. Consequently, it would be a visually harmful addition to the original gatehouse.
16. Being considerably taller than the original property, the visual harm arising from the proposed development would be clearly visible above the boundary fence in public views from Digswell Hill, noting also that the property has an elevated siting to that of the adjoining highway.
17. For these reasons, I conclude that the proposed development would have a harmful effect on the character and appearance of the host property and the area. The proposal would, therefore, conflict with Policies D1 and D2 of the

District Plan and the Council's Supplementary Design Guide (SDG) 2005. These policies and SDG seek, amongst other matters, all new development to respect and relate to the character and context of the area in which it is proposed and extensions to be designed to complement and reflect the design and character of the dwelling and be subordinate in scale.

Conclusions

18. In conclusion, I have identified that the development would be inappropriate development in the Green Belt as defined by the Framework and would conflict with Policy RA3 of the District Plan. Furthermore, the proposal would not preserve the openness of the Green Belt as required by the Framework. In addition, the proposal would conflict with Policies D1 and D2 of the District Plan and the SDG as the development would have a harmful effect on the character and appearance of the host property and the area. I have not been directed to other considerations that would clearly outweigh the harm that I have identified. The proposed development would by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight.
19. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development conflicts with the development plan and the advice in the Framework. For the reasons given, I conclude that the appeal should fail.

Nicola Davies

INSPECTOR