
Appeal Decision

Site visit made on 12 January 2021

by Beverley Doward BSc BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2021

Appeal Ref: APP/P1940/D/20/3260520

High Rising, The Green, Sarratt, WD3 6BR

- 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 Ed Dodwell against the decision of Three Rivers District Council.
 - The application Ref 20/1464/FUL, dated 21 July 2020, was refused by notice dated 21 September 2020.
 - The development proposed is demolition of existing conservatory and construction of a new single storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the development on the openness of the Green Belt;
 - if the proposal is 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 the development.

Reasons

Whether inappropriate development

3. The appeal site comprises a detached dwelling within the Green Belt.
4. Paragraph 143 of the National Planning Policy Framework (February 2019) (the Framework) indicates 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.

5. Policy CP11 of the Core Strategy (2011) (the CS) indicates that 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.
6. Policy DM2 of the Development Management Policies Local Development Document (2013) (the DMP) relates to development within the Green Belt. It states that extensions that are disproportionate in size (individually or cumulatively) to the original building will not be permitted. It also states that the building's proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account. Whilst the Council's policies pre-date the Framework they remain broadly consistent with it.
7. Neither the Framework, nor the Council's policies, define what is meant by 'disproportionate'. The Council's 'Extensions to Dwellings in the Green Belt' Supplementary Planning Guidance (SPG) indicates that extensions resulting in a cumulative increase in floorspace of over 40% compared with the original dwelling will normally be unacceptable. Whilst the SPG relates to superseded policies, the DMP indicates that it will be taken into account until it is incorporated into a future Design Supplementary Planning Document. Accordingly, it is still a relevant consideration for the proposal in terms of whether or not it would be disproportionate.
8. The Council indicates that existing extensions to the dwelling result in a cumulative increase in floorspace of 78% compared to the original building. The appellant does not dispute this.
9. The appeal proposal comprises the demolition of an existing flat roofed conservatory and construction of a new single storey side extension which would present a gable end profile to the front and rear elevation and a cat-slide roof to the side elevation. The footprint of the proposed extension would broadly correspond to that of the existing conservatory and whilst there is disagreement between the parties as to whether or not the extension would result in either a further modest increase or modest decrease in floorspace compared with the existing situation, there is no dispute that the proposed extension together with those existing would exceed the guidance figure of 40% increase in floorspace that, as indicated in the SPG, is generally considered to be acceptable within the Green Belt.
10. The appellant refers to a recent appeal decision on a nearby site (APP/P1940/D/17/3180951) in which the Inspector indicated that floorspace is not the only measure of size when considering whether an extension to a building in the Green Belt would result in disproportionate additions over and above the size of the original building. I agree.
11. In this case, whilst the main section of the extension would be set down from the main ridge of the dwelling the main ridge and eaves line of the existing roof of the dwelling would be extended. This, coupled with the gable ended profile to the front and rear of the extension, would serve to further increase the overall scale of the dwelling which, in conjunction with previous extensions, would result in disproportionate additions over and above the size of the original building. Accordingly, the proposal would be inappropriate development as described in paragraph 145 of the Framework, Policy CP11 of the CS and Policy DM2 of the DMP. Inappropriate development is by definition, harmful to

the Green Belt, and should only be permitted in very special circumstances. I shall return to this below.

Openness

12. Paragraph 133 of the Framework indicates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is an essential characteristic of the Green Belt and has both a spatial and visual dimension.
13. Paragraph 140 of the Framework, as referred to by the appellant, relates to defining Green Belt boundaries and the consideration of whether a village should be included within or excluded from the Green Belt. Therefore, its relevance in relation to this main issue would appear somewhat limited.
14. The proposed development would increase the mass and bulk of the dwelling. Accordingly, there would be a material increase in the amount of built development on the site. Whilst spacing would be retained to the sides of the site, the proposed extension would result in the dwelling being discernibly larger and bulkier than the existing dwelling. Accordingly, the appeal proposal would have an adverse impact on both the spatial and visual openness of the Green Belt, albeit in this case the harm to the openness of the Green Belt would be limited.

Other considerations

15. The proposed side extension would replace the existing conservatory on the house. It would serve to address some of the problems caused by virtue of the location and the manner of construction of the existing conservatory. Accordingly, I attribute this factor moderate weight.
16. The appeal site lies within the The Green, Sarratt, Conservation Area (the Conservation Area). Whilst it is not an issue between the parties, as the decision maker I am required to have regard to the statutory duties in relation to designated heritage assets namely to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The Conservation Area comprises of low-key vernacular architecture that dates from early sixteenth century to twentieth century. The appeal property makes a neutral contribution to the Conservation Area being modern but sympathetic in its design. The Council has not raised any objections to the effect of the proposed development on the designated heritage asset and from my observations on site I consider that the appeal proposal would preserve the character and appearance of the Conservation Area. Accordingly, it would accord with the policies of the Framework which seek to conserve and enhance the historic environment. The lack of harm in this respect is a neutral factor.
17. The lack of harm to the character and appearance of the host building by virtue of the general design and finish of the proposal and the lack of harm to the amenities of adjoining neighbours are also neutral factors.

Conclusion

18. The Framework, at paragraph 144, indicates that substantial weight should be given to any harm to the Green Belt and that '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.

19. The appeal proposal would be inappropriate development in the Green Belt which would, by definition, be harmful to the Green Belt. It would also cause harm to the openness of the Green Belt.
20. The moderate weight that I attribute to the proposal in addressing the problems of the existing conservatory would not clearly outweigh the weight to be given to the cumulative harm that I have found. Therefore, the very special circumstances necessary to justify the development do not exist. Consequently, the proposed development would conflict with Policy CP11 of the CS and Policy DM2 of the DMP which seek to protect the Green Belt and preserve its openness.
21. For the reasons set out above, and having regard to all other matters raised, the appeal should be dismissed.

Beverley Doward

INSPECTOR