
Appeal Decision

Site visit made on 1 March 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2021

Appeal Ref: APP/C1950/D/20/3256553

30 Great North Road, Brookmans Park, Hatfield AL9 6NF

- 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 Dominic Thornton against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2020/0763/HOUSE, dated 19 March 2020, was refused by notice dated 15 May 2020.
 - The development proposed is described as "proposed single storey outbuilding (games room) ancillary to the domestic dwelling".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During my site visit I saw that construction of the outbuilding the subject of this appeal had already commenced. In addition, construction was taking place on extensions to the host dwelling. I have determined the appeal on this basis.

Main Issue

3. As the appeal site is in the Green Belt, the main issues are:
 - Whether the development proposed would constitute inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies; and,
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. Paragraph 145(c) of the National Planning Policy Framework (the Framework) states that 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 will not be inappropriate development in the Green Belt.
5. Whether or not a development would be disproportionate is a matter of planning judgment. In this case, the host property has a lengthy planning history and the extensions under construction replace earlier extensions to the house, while the outbuilding replaces an earlier outbuilding in the same

location. However, there is no indication that earlier outbuilding was part of the original building for planning purposes, so it cannot be counted under Paragraph 145(c) for the purposes of this appeal.

6. The extensions under construction and the outbuilding the subject of this appeal amount to a cumulative scale of development that substantially exceeds both the footprint and floor area of the original house. The impact of the extensions and the outbuilding would amount to disproportionate additions over and above the size of the original building.
7. Paragraph 145(d) of the Framework states that the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, will not be inappropriate development. However, the outbuilding the subject of this appeal occupies a significantly larger footprint than the outbuilding that it replaces and as a result is materially larger.
8. Paragraph 145(g) of the Framework allows for the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. The outbuilding occupies a materially larger footprint than the outbuilding it replaces, and there is no indication that it is of a lower height. Given the bulk of the outbuilding, it would therefore have a greater impact on the openness of the Green Belt.
9. The appeal proposal would not meet any of the exceptions set out in paragraph 145 of the Framework. It would therefore be inappropriate development in the Green Belt. It would conflict with Policy RA3 of the Welwyn Hatfield District Plan 2005 which, amongst other criteria, states that extensions to existing dwellings within the Green Belt will be allowed only where the proposal would not result in a disproportionate increase in the size of the dwelling.

Other considerations

10. The appellant has identified considerations that they contend weigh in favour of the appeal proposal. The footprint of the outbuilding falls within the property's Permitted Development allowance and the outbuilding only requires planning permission due to its height and siting close to the boundary. The Council considers that the character of the building would be acceptable. The building is well screened.
11. The appellant has also referred to the adjacent transmitting station and the tall masts within its grounds as providing context for the scale of development. However, the station is not a domestic site and therefore cannot be judged in the same context as a proposal for a residential outbuilding.
12. The Framework states that substantial weight must be given to any harm to the Green Belt. The identified considerations are noted and do attract some weight in the development's favour, but do not clearly outweigh the harm by reason of inappropriateness. Accordingly, very special circumstances do not exist in this instance.

Conclusion

13. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR