The Planning Inspectorate

Appeal Decision

Site Visit made on 10 August 2021

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2021

Appeal Ref: APP/P1940/D/21/3271559
Nasus, Dunny Lane, Chipperfield, Kings Langley WD4 9DE

- 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 Mark Tanner against the decision of Three Rivers District Council.
- The application Ref 20/2458/FUL, dated 16 November 2020, was refused by notice dated 22 February 2021.
- The development proposed is described as "Front and Rear Extensions, Roof Alterations including raising of ridge height, new pitch roof over existing garage to the side and new dormer windows to front and rear, New front porch and new front steps".

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in July 2021. However, as the Framework's policies that are most relevant to this appeal have not materially changed, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issues

3. The main issues raised in this case are:

    - Whether or not the proposal is inappropriate development in the Green Belt,
    - The effect of the proposal on the openness of the Green Belt, and
    - 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 or not the proposal is inappropriate development in the Green Belt

4. The appeal site is located within the Green Belt. The National Planning Policy Framework (the Framework), at para 149, indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The extension of a building provided that it does not result in disproportionate additions over and above the size of the original building, is listed as one of the exceptions.

5. Policy DM2 of the Three Rivers District Council Local Plan – Development Management Policies (July 2013) (the DM Policies) reflects the Framework in that it states that extensions to buildings that a disproportionate in size (individually or cumulatively) to the original building will not be permitted. Moreover, policy CP11 of the Three Rivers District Council Local Development Framework – Core Strategy (October 2011) (the Core Strategy) seeks to prevent inappropriate development that would not preserve the openness of the Green Belt.

6. The appellant sets out that the footprint of the original bungalow is 86.5m^2 and while there is also reference to a footprint of the loft space, the submitted existing plans show only a single storey of accommodation with no stairs to the loft space. As such, I do not find that the loft space should be included for the purposes of the existing floorspace calculation.

7. The appellant further sets out that there will be an increase of 20.8m^2 to the ground floor (comprising front and rear extensions) as well as 52.6m^2 provided at first floor level (measured at a height of 1.5m), resulting in an increase of over 73m^2. In the context of the existing floorspace, in my view, the increase cannot reasonably be considered to result in anything but a disproportionate addition over and above the size of the original building. The appellant concedes at 3.21 of the grounds of appeal that the extensions would be disproportionate additions.

8. Consequently, in not complying with the exceptions as outlined by para 149 of the Framework, the scheme would comprise inappropriate development in the Green Belt, which para 147 states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The effect of the proposal on the openness of the Green Belt

9. The Framework, at para 137, indicates that openness and permanence are the essential characteristics of the Green Belt. The scheme would result in the addition of extensions to an existing property, most notably by the change of a front hipped element to a gable, the introduction of a roof over the garage and the introduction of a large expanse of roof to the side elevation. The scheme would therefore result in an increased quantum of built development at the site, that would reduce openness in both spatial and visual terms. Consequently, the scheme would not preserve, and there would be a small loss of, the openness of the Green Belt.

Other considerations

10. The appellant asserts that the existing dwelling is currently an anomaly within the context of the neighbouring dwellings, being smaller in scale and extent. While this is noted, in my view, it is not a matter that weighs significantly in favour of allowing a disproportionate addition, that results in a loss of openness.

11. I am also conscious that the appellant is seeking an extension in order to provide an improved standard of accommodation; I accord some weight to this. This is not sufficient however to outweigh the substantial weight that is to be accorded to harm to the Green Belt.

12. I am also conscious that the appellant has referred to the potential to erect an extension under permitted development. Whilst I note this, there is a separate

process to establish whether or not the prior approval of the local planning authority is required. It is not a matter for me to consider within the context of this appeal, whether prior approval would be required. Furthermore, there is little evidence before me that the erection of such an extension is likely. As such, this matter carries little weight in favour of allowing the appeal.

13. I have had regard to the examples of other developments that are cited by the appellant. There is little information provided in respect of some of these and as such, I am unable to make any useful comparisons to them. In respect of the "Treetops" case, from the information submitted it does appear that substantial extensions were permitted, however there is nothing before me demonstrating how the decision to permit these was reached. Furthermore, in respect of the "Marston" case, again I note that it appears substantial extensions were permitted, however it is clear from the extracts highlighted by the appellant that it was considered that there would be no harm to openness, in part due to the retention of hipped roofs. This is not the case in the scheme before me, which I have found would result in a loss of openness. As such, none of the examples cited provide sufficient justification for permitting the appeal scheme.

Green Belt Balance and Conclusion

14. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also lead to a small loss of openness. The other considerations in this case, either individually or cumulatively, do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would be contrary to Policy DM2 of the DM Policies, Policy CP11 of the Core Strategy, as well as the guidance of the Framework.

15. Therefore, for the reasons given and having regard to all matters raised, the appeal is dismissed.

Martin Allen

INSPECTOR