
Appeal Decision

Site visit made on 7 September 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2021

Appeal Ref: APP/B1930/D/21/3273153

36 Marshalls Way, Wheathampstead AL4 8HY

- 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 Ian Coombes against the decision of St Albans City & District Council.
 - The application Ref 5/20/2768, dated 18 November 2020, was refused by notice dated 12 February 2021.
 - The development proposed is single storey side and rear extension, first floor balcony to rear, garage conversion, alterations to openings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of proposed development shown on the Council's decision notice and the appellant's appeal form is more precise than that shown on the planning application form. I have therefore used this description in the heading above and determined the appeal on this basis.
3. The revised National Planning Policy Framework (the Framework) was published 20 July 2021, which replaces the previous version of the Framework. In terms of policies relevant to this appeal, there have been no material changes from the previous version of the Framework. No party has been prejudiced by me proceeding with the appeal in light of this change in policy.

Main Issues

4. The main issues are:
 - 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; and,
 - The effect of the proposal on the openness of the Green Belt; and,
 - The effect of the proposal on the living conditions of the occupiers of No 34 Marshalls Way, with particular regard to privacy.
 - If the proposal 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 the proposal.

Reasons

Inappropriate development

5. The appeal site is located within the Green Belt. The Framework in paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 sets out that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a limited number of exceptions. This includes, at Paragraph 149 c), 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. Original building is defined in the Framework as the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
6. Saved Policy 1 of the City and District of St Albans District Local Plan Review 1994 (the LP) defines the extent of the Green Belt and states that except for Green Belt settlements referred to in Policy 2, permission will not be given for development unless very special circumstances exist, or it is for specified purposes. These purposes do not include residential extensions, however Policy 13 states that extensions in the Green Belt may be permitted unless the scale or visual impact upon the building as originally constructed would create a significantly larger building. These policies pre-date the Framework and are not wholly consistent with it. As such, only limited weight can be given to LP Policies 1 and 13 and I give greater weight to the approach in the Framework.
7. Furthermore, the Council's Residential Extensions and Replacement Dwellings in the Green Belt Supplementary Planning Guidance 2004 (the SPG) is of some age and is related to Policy 13 of the LP. I therefore give this document limited weight.
8. The Framework does not define 'disproportionate additions', however the SPG provides some guidance in relation to the size of extensions that may be acceptable. In relation to side and rear extensions, it indicates that an increase in volume of between 90 to 180 cubic metres, or an increase in floorspace of between 20% to 40% may be acceptable. The SPG comments that the cumulative impact of previous and proposed extensions to the dwelling will be considered.
9. The original property was constructed as a single storey dwelling with a hipped roof. The information before me indicates that the original dwelling had a volume of 154 cubic metres and a floor space of 68 square metres. It has since been altered through the provision of a hip to gable roof extension and 2no front rooflights. Furthermore, the rear elevation features a gabled extension with side dormers, which is similar to the eaves and ridge heights of the main roof. These alterations have facilitated first floor living accommodation. The appeal scheme proposes the erection of a single storey extension with various hipped, gabled and flat roof forms, which would wrap around the side and rear of the dwelling. This would adjoin the existing detached garage to the side.
10. The officer's report states that as a result of the proposed extension, the volume of the resultant dwelling would be 608 cubic metres – an increase of around 454 cubic metres over and above the size of the original building. Furthermore, the officer's report notes that the extended dwelling would have a

floorspace of 221 square metres – an increase of 225% over the original dwelling.

11. The appellant disputes the Council's calculations and states that the net increase would be 20 square metres smaller than what is referenced in the officer's report. Even if I were to take the appellant's calculation as a lesser figure, the uplift in floorspace over the original building would still amount to an increase of around 195%, which is substantial and would far exceed the range of 20-40% set out in Table 2 of the SPG. Moreover, the use of the loft space for living accommodation has evidently resulted in external changes to the original building, therefore I do not accept the appellant's contention that the floor area added at first floor should be discounted.
12. The volume increase of 454 cubic metres and the floorspace increase of 195% would substantially exceed both the respective ranges of 90-180 cubic metres and 20-40% set out in Table 2 of the SPG. I am mindful that the SPG indicates that the guidance figures are not rigid. Nonetheless, the cumulative increase in volume and floorspace over and above the original building would amount to a substantial increase in size.
13. The proposed development would therefore result in disproportionate additions over and above the size of the original building. Accordingly, I conclude that the proposal would be inappropriate development which is by definition harmful to the Green Belt. The proposal would therefore conflict with the Framework, saved Policies 1 and 13 of the LP, and guidance in the SPG. In accordance with the Framework, I give substantial weight to this harm.

Openness

14. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. The openness of the Green Belt has both spatial and visual aspects.
15. The proposed extension would wrap around the side and rear of the dwelling, which would result in a sizeable increase in the spread of built form on the site. This would cause a moderate loss of spatial Green Belt openness. Furthermore, the proposed extension would remove the separation that currently exists between the dwelling and detached garage, which would result in a noticeable increase in bulk to the side of the property. This would be visible in Marshalls Way and cause a moderate visual loss of Green Belt openness.
16. For these reasons, I find that the proposal would cause moderate harm to the openness of the Green Belt.

Living conditions

17. The proposal includes a raised terrace to the rear of the first floor bedroom, which would be positioned on the flat roof of the proposed single storey rear extension. This would be enclosed by balustrades.
18. There are currently oblique views of neighbouring gardens from the upper floor rear windows of the appeal property. The proposed roof terrace, however, would introduce an elevated and projecting vantage point that would extend significantly beyond the existing upper floor rear windows of the appeal dwelling. Given its large size and the short distance to the side boundary, the proposed roof terrace would afford its users elevated views into the rear

garden of No 34 Marshalls Way. The use of the proposed roof terrace for socialising or leisure would increase the sense of being overlooked for the occupiers of the neighbouring property when in their garden. The proposed development would therefore cause an unacceptable level of overlooking and result in a significant loss of privacy to the occupiers of No 34 Marshalls Way.

19. I therefore conclude that the proposed development would cause significant harm to the living conditions of the occupiers of No 34 Marshalls Way, with particular regard to privacy. The proposal would therefore be contrary to Policy 72 of the LP, which, amongst other things, states that the privacy or amenity of adjoining property shall not be unacceptably harmed. It would also conflict with paragraph 130 of the Framework, which seeks a high standard of amenity for existing and future users.

Other considerations and the Green Belt balance.

20. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would be inappropriate development in the Green Belt and would also cause moderate harm to its openness. The Framework makes clear in paragraph 148 that substantial weight should be given to such harm. Furthermore, I have found that the proposal would cause significant harm to the living conditions of the occupiers of No 34 Marshalls Way.
21. The appellant has drawn my attention to other dwellings and extensions in the vicinity of the appeal site. Nevertheless, the Green Belt policies in the Framework do not refer to consideration of the size or character of surrounding buildings, and planning proposals must be determined on their own individual merits.
22. There is no substantive evidence before me that the original dwelling provided substandard living conditions for occupiers. In any case, the exception in paragraph 149 c) of the Framework is clear that it relates to the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building. It does not apply to the size of a theoretical building that meets modern internal space standards. I therefore give this consideration minimal weight.
23. The other considerations identified in support of the scheme do not clearly outweigh the harm to the Green Belt and the harm to neighbouring living conditions. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal is therefore contrary to the Framework and saved Policies 1 and 13 of the LP which seek to protect the Green Belt.

Conclusion

24. For the reasons given above I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR