



Appeal Decision

Site Visit made on 3 August 2021

by **Scott Britnell MSc FdA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Appeal Ref: APP/P1940/D/21/3272550

Hartfield, Fir Tree Hill, Chandlers Cross WD3 4LZ

- 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 and Mrs Ian Hall against the decision of Three Rivers District Council.
 - The application Ref 20/2351/FUL, dated 4 November 2020, was refused by notice dated 15 January 2021.
 - The development proposed is described as 'Two-storey side extension (there is an extant consent for a partially implemented single storey side extension).'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following the submission of the appeal, the Government published the National Planning Policy Framework 2021 (the Framework). I sought comments from the main parties with regards to this matter and, where responses have been received, I have taken them into account in my assessment.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and relevant policies of the Development Plan;
 - 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, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify it.

Reasons

Whether inappropriate development

4. Policy DM2 of the Local Plan Development Management Policies Local Development Document (July 2013) (DMP) states that extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building will not be permitted. 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.
5. Paragraph 149 of the Framework makes it clear that new buildings in the Green Belt should be regarded as inappropriate, with 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.
 6. The Council indicate that the existing dwelling has previously been extended, including by way of a two storey rear extension and a single storey porch. They estimate that the original dwelling had a floor space of approximately 194.5 square metres and that the existing extensions have a floor space of 50.5 metres. The Council indicate that the proposed extension would have a floor space of 99.5 square metres, so that cumulatively the existing and proposed extensions would amount to an increase of approximately 81% over the original floor space. It is not entirely clear how the Council has reached this precise figure but it is apparent that the percentage increase in floor area is very substantial, and certainly in excess of around 75%.
 7. The Framework does not define what would constitute a disproportionate addition over and above the size of the original building. The Council's Officer Report refers to the Extensions to Dwellings in the Green Belt Supplementary Planning Guidance (SPG)¹. This states that extensions resulting in a cumulative increase in floorspace of over 40% compared with the original dwelling will normally be unacceptable. The SPG is now of some age, dating from 2003, and was written to support policies of an earlier development plan, so this diminishes the weight I can attach to it. That said, the proposal would exceed the SPG's 40% allowance by a very substantial margin.
 8. In terms of increased floor space, cumulatively the existing and proposed extensions would represent a very substantial increase in excess of 75%. I consider that this is indicative that the addition would be disproportionate to the size of the original building. I have also considered the proposal more generally, with reference to its siting, height, design, bulk and massing.
 9. The proposal would be sited to the side of the host dwelling and would be two storeys in height. It would have a width approximately half the width of the host dwelling and would extend for almost its entire length. It would add a significant amount of bulk and massing to the original building and would increase its prominence within the site. When taken together with previous extensions, the proposal would result in a disproportionate addition over and above the size of the original building.
 10. For the reasons set out above, the proposal would create a dwelling considerably larger than the original. As a result, it would represent a disproportionate addition which would conflict with DMP Policy DM2 and the Framework. As I do not consider that any of the other exceptions of the Framework apply to the proposal, it represents inappropriate development that is, by definition, harmful to the Green Belt².

¹ Three Rivers Local Plan 1996-2011 Supplementary Planning Guidance No.3 Extensions to Dwellings In the Green Belt (August 2003)

² Paragraph 147 of the Framework.

Openness

11. Paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
12. The proposal would extend the appeal dwelling to the side and would result in a visually larger mass of development. This would result in a spatial and visual change to the property and its environs and the openness of the Green Belt would be reduced. Although the reduction in openness would be limited and localised, it would nonetheless cause harm to the Green Belt.
13. I am mindful of the appellant's comments that the appeal site is well screened and that only glimpsed views of the proposal would be possible to traffic passing the site. However, openness is an inherent characteristic of the Green Belt and development does not have to be publicly visible for harm to openness to occur.
14. As a result of the above harm, the proposal would conflict with Policy CP11 of the Local Development Framework Core Strategy (October 2011) (CS) and DMP Policy DM2. These seek, amongst other matters, to preserve the openness of the Green Belt. In accordance with Paragraph 148 of the Framework, I afford the harm to the openness of the Green Belt substantial weight.

Other considerations

15. The Framework makes it clear at Paragraph 148 that substantial weight is given to any harm to the Green Belt. It establishes that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
16. The appellants suggest that the proposal would be a compact and proportionate addition to the existing dwelling, on a previously developed site, and is not a new build proposal. I note that the Council have no objection in regard to the effect of the proposal on the character and appearance of the existing dwelling and the streetscene. Having considered the matter, I find no reason to reach a different conclusion. However, the absence of harm in respect of these matters is a neutral factor in my overall considerations. Moreover, the proposal would result in a disproportionate addition to the original building which, for the reasons I have set out, would be harmful to the Green Belt.
17. I am advised that the proposal would be constructed instead of a previously consented single storey side extension. The appellant considers this permission, which I am advised is extant, to be a fall-back position. From the information before me, I consider that the proposed two storey extension, by virtue of its height, scale, bulk and massing would have a much greater effect on the openness of the Green Belt than the single storey extension. For significant weight to be afforded to a fall-back position, there needs not only to be a reasonable prospect of it being carried out in the event that planning permission was refused, but it would also need to be equally, or more harmful, than the scheme for which permission is sought. From my conclusions above, I do not consider this to be the case.

18. I note that the existing garage would be removed. I observed this to be a modest single storey building detached from the main dwelling. Notwithstanding its proposed removal, the proposal would appear as a large addition to the appeal dwelling and would result in the harmful effects on the openness of the Green Belt that I have set out. The removal of the garage would not be sufficient to overcome this harm.
19. The appellants suggest that the appeal proposal would balance the property and look considerably better than the approved single storey extension, which they consider does not represent the most appropriate design solution for the property or the site. However, in my view, the two storey extension would be of significantly greater scale and impact than the approved scheme, thereby causing harm to the openness of the Green Belt. Further, I do not consider that the existing building appears unbalanced. Moreover, the appellants do not have to implement the extant planning permission should they consider its design to be inappropriate. As such, I attribute only very limited weight to these matters.
20. The appellants have drawn my attention to what they consider to be the most relevant parts of the Framework relating to the Green Belt. These relate to the purposes of the Green Belt, including checking unrestricted sprawl, the merging of neighbouring towns and safeguarding the countryside from encroachment. The proposal would not result in unrestricted sprawl of large built up areas, nor will it result in the merging of neighbouring towns. The appeal site is an established residential plot and the dwelling is set away from neighbouring properties. Further, the proposal would not encroach beyond the boundaries of the appeal site into the countryside. However, the Framework must be considered as a whole and I have found that the proposal would result in a disproportionate addition to the original building which is, by definition, harmful to the Green Belt. Moreover, the proposal would result in the loss of openness to the Green Belt which is one of its essential characteristics.
21. The appellants also indicate that the proposal would provide much needed accommodation for the changing needs of their household. This is a principally private benefit, which has limited weight in my overall considerations. I note that the appellants also refer to development at Chandlers Cottage, a neighbouring property, which they consider has extended the property considerably. However, I do not have the full details of the development before me, so I am unable to fully consider how it might compare with the appeal proposal.
22. I note too that the Council received no objections to the proposal. However, this is a neutral factor in my overall considerations as the harm identified would still exist in the absence of any objections.

Planning Balance and Conclusion

23. The Framework advises that substantial weight should be given to any harm to the Green Belt. In this case, there would be harm by reason of inappropriateness, as well as harm arising from loss of openness.
24. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposed development do not exist. The proposal would conflict with the development plan and the Framework and there are no

material considerations in this case that indicate a decision other than in accordance with the development plan and the Framework.

25. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Scott Britnell

INSPECTOR