
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/21/3274426

164 Toms Lane, Kings Langley WD4 8NZ

- 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 & Mrs Lawrence against the decision of Three Rivers District Council.
 - The application Ref 21/0219/FUL, dated 2 February 2021, was refused by notice dated 13 April 2021.
 - The development proposed is described as 'double storey rear and side extension, loft extension, internal alterations'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

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 I have taken the responses received into account in determining the appeal.

Main Issues

3. 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 relevant policies of the Development Plan;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area; 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 (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 calculate the original floor area of the host dwelling to be 160 square metres with an existing extension adding a further 25.7 square metres. They suggest that the proposed floor area of the dwelling following the proposal would be 330.5 square metres, a cumulative increase of 107% over the original floor space (including the existing extension).
7. The appellants calculate the floor area of the original dwelling at 162 square metres. There is no dispute over the floor area added by the existing extension. However, the appellants suggest that the total floor space that would be created under this proposal would be 70.1 square metres. When added to the previous extension, they calculate the cumulative increase in floorspace above the original dwelling would be 95.8 square metres or in excess of 59%.
8. 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 Supplementary Planning Guidance No.3, Extensions to Dwellings in the Green Belt (SPG). It advises that the SPG states that extensions resulting in a cumulative increase in floor space of over 40% compared with the original dwelling may be disproportionate. However, I do not have a copy of the SPG before me and note that the Council afford it only limited weight due to its age.
9. The appellants' state that there are a number of local planning authorities that consider the threshold for proportionate extensions in the Green Belt to be anything up to 60%. I do not have a copy of those policies before me and, in any case, I have to assess the proposal against the relevant development plan.
10. Even if I accept the appellants' calculations, the proposal would result in a cumulative increase of at least 59%. This would still represent a significant increase over the floorspace of the original dwelling. I have also considered the proposal more generally, with reference to its form, bulk and prominence.
11. The proposed first floor side extension would significantly increase the bulk and massing of the appeal dwelling at first floor level and would appear as a prominent addition. Although less prominently located, the single storey rear extension would further increase the bulk and massing of the dwelling as well as the footprint of the dwelling. The dormers, due to their number, would add additional bulk to the dwelling and would increase its prominence. The proposal also includes a new porch and canopy across the front elevation that would add further to its bulk and prominence.
12. Due to the obtrusiveness of the above additions and in conjunction with a cumulative increase of at least 59% in terms of floorspace, the proposal would

result in a dwelling considerably larger than the original. As such, it would be disproportionate in size to the original dwelling and would represent inappropriate development in the Green Belt, for the purposes of the Framework.

13. For the reasons set out above, I find that the proposal 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 Belt¹.

Openness of the Green Belt

14. 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.
15. Although the appeal dwelling is set within a residential context, the increase in its overall size and the associated bulk and massing that would result from the proposal would impact upon the spatial and visual openness of the Green Belt to a greater degree than existing development at the appeal site. The proposal would also be visible from the public realm to the front of the appeal site and neighbouring properties and would increase the prominence of the host dwelling. Although the impacts would be localised, the sense of openness, an essential characteristic of the Green Belt, would be harmed.
16. As a result of the above harm, the proposal would conflict with Policy CP11 of the Local Development Framework Core Strategy (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.

Character and appearance

17. Toms Lane is a residential road which includes a mix of dwelling types in terms of their design, form, scale and materials. A number of properties benefit from dormers to the front elevation and these too are varied in terms of their number, form and design.
18. The Council do not object to the effect of the single storey rear extension upon the character and appearance of the host dwelling or the streetscene. Given its size, design and location, I see no reason to reach a different conclusion. Further, the Council raise no objection to the proposed porch and canopy to the front elevation and I also consider these elements to be acceptable.
19. The first floor side extension would be set down from the main ridge of the host dwelling and back from the front elevation. It would also be set in from the side elevation. As such, I consider that the extension would be of a scale and form that would be subservient to the host dwelling. Although it would increase the prominence of the dwelling within the streetscene, it would not harm its character and appearance or that of the area.
20. The proposed dormers would be set down from the main ridge of the host dwelling and back from the eaves. That said, given their numbers, the dormers

¹ Paragraph 147 of the Framework.

would be prominent additions and would increase the vertical emphasis of the appeal dwelling, as well as its prominence in the streetscene. However, with the variation in dwellings along Toms Lane, the resultant dwelling would not appear incongruous. Moreover, the dormers would occupy a proportionate amount of the roof slopes and would achieve a successful level of subservience to the appeal dwelling. They would not clutter nor dominate the host roof slopes and would align with the fenestration below them, ensuring that they would achieve a successful visual relationship with the host dwelling.

21. A number of properties along Toms Lane benefit from front dormers. I note the Council's comment that the vast majority of these are to chalet bungalows, which have a different appearance to the appeal dwelling. I am also mindful that I do not have the full details of these developments before me. Nevertheless, it was clear from my observations that front dormers are a common feature in the streetscene and that they inform its character. Consequently, the proposed dormers would not appear incongruous or unduly prominent in this context.
22. I conclude that the proposal would not cause harm to the character and appearance of the host dwelling and the area. It would accord with CS Policies CP1 and CP12. These seek, amongst other things, to promote buildings with high enduring design quality that respects local distinctiveness, and that development has regard to local context and conserves or enhances the character and quality of an area. The proposal would also comply with the guidance set out at Appendix 2 of the DMP.
23. The Council also refer to DMP Policy DM1 in the above regard. However, this policy refers specifically to new residential development and the subdivision of dwellings, so is not relevant to the appeal proposal.

Other Considerations

24. 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.
25. The appellants state that, in the interest of sustainability, Central Government encourages householders to extend their properties rather than move to a new house. The benefits that would arise from the proposal, such as increased living accommodation, is principally a private benefit. Moreover, I do not have detailed information regarding the sustainability credentials of the proposal and I afford this matter little weight.
26. The appellants also state that making good use of a dwelling is commendable and that making a home-for-life and a future proof house through extension and adaptation is important to retaining a good and useful housing stock for future generations. Further, the extension and conversion of the loft space makes good and efficient use of the property. There is no doubt that the proposal would increase the living accommodation for the occupants of the appeal dwelling property, however, this is a private benefit as I have reasoned above. Moreover, there is no evidence before me to indicate that the appeal dwelling is currently failing to make a good or useful contribution to the area's housing stock. I, therefore, afford only limited weight to these matters.

Planning Balance and Conclusion

27. The proposal would not harm the character and appearance of the host dwelling or the area. The absence of harm in this respect is, however, a neutral factor in my overall considerations.
28. Substantial weight must be given to the harm to the Green Belt by reason of the inappropriateness of the proposal. The harm identified from loss of openness adds to the harm by reason of inappropriateness.
29. 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 development do not exist. The proposal would conflict with the relevant objectives of 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.
30. 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