



Appeal Decision

Site Visit made on 23 November 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2021

Appeal Ref: APP/B1930/W/21/3276337

8 Nomansland, Wheathampstead AL4 8EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Matthew Herbert against St Albans City Council.
 - The application Ref 5/2021/0240, is dated 28 January 2021.
 - The development proposed is demolition of existing conservatory and garage/workshop and construction of single storey side and rear extensions including a new front porch.
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Decision

1. The appeal is dismissed and planning permission for demolition of existing conservatory and garage/workshop and construction of single storey side and rear extensions including a new front porch is refused.

Main Issues

2. In light of the appeal submissions, I find the main issues are:-
 - whether the scheme would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and policies of the St Albans District Local Plan Review 1994 (the LP); and
 - the effect upon openness; and
 - whether sufficient parking would be provided; and
 - if the development would be inappropriate, 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 necessary to justify it.

Reasons

Whether inappropriate development in the Green Belt

3. The site lies in a designated Green Belt area. Under the terms of the Framework, the construction of new buildings should be regarded as inappropriate development in the Green Belt. However, one of the defined exceptions is the erection of extensions, provided they do not result in disproportionate additions above the size of the original building.
4. LP policy 1 is inconsistent with the Framework as it fails to identify extensions as being permissible in the Green Belt. As such, this policy attracts little weight in my assessment. However, LP policy 13 generally accords with the

Framework as it states house extensions in the Green Belt may be permitted unless they would lead to a significantly larger building than the original.

5. Both the Framework and LP policy 13 require a comparison to be made between the size of the resulting building and the original house as it existed on 1 July 1948 or as it was built if constructed after that date. The conservatory at the appeal property was granted planning permission in 2006 and there is no evidence to suggest it replaced part of the original bungalow. Also, the appellant has not sought to dispute the claims that the garage was erected at about the same time as the conservatory or afterwards. Therefore, the evidence indicates the original building is the main part of the bungalow with the conservatory, garage and shed as later constructions.
6. The Framework and the LP provide no guidance on when an extension would be deemed disproportionate or unacceptable in size. However, the Council's Supplementary Planning Guidance on Residential Extensions and Replacement Dwellings in the Green Belt 2004 (the SPG) indicates that an increase of up to 40% in floorspace may be permissible subject to other criteria.
7. The appellant indicates the scheme would create an extra 24 m² or a 20% increase in floorspace. However, this figure compares the proposal to the dwelling as it stands rather than the size of the original building. When drawing a comparison to the original, the appellant suggests the scheme would lead to a cumulative increase of 70% in floorspace. The Council suggest the increase would be lower at 50% but even if this is accepted, it is clear the proposal would exceed the referred to SPG figure.
8. In any event, the extensions when considered together would represent a significant increase in volume compared to the modest size of the original bungalow. As such the proposal would represent a disproportionate addition. There is no claim that the scheme would fall within any of the other exception categories of development. Therefore, I conclude it would represent inappropriate development in the Green Belt.

Effect on openness

9. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. The existing garage and conservatory already affect the openness of the site. However, the proposed side extensions would be larger in volume as they would be taller and have a greater footprint overall. As such, they would lead to a loss of spatial openness. Also, the scheme would result in a visual loss of openness as the appeal property is near to the front boundary and the extensions would be easily seen from the road.
10. The proposal would lead to a slightly wider gap to 9 Nomansland (No 9) and most of the appeal property's garden would be retained. Also, the site lies in a wooded area, away from any main road and so the development would only have a localised visual effect. Nevertheless, for the above reasons, the proposal would harm the openness of the Green Belt.

Parking

11. The site is away from any facilities and sizeable settlement and so it is reasonable to expect occupants of the property would need to use and park vehicles. Under the terms of LP policy 40, 2 parking spaces should be provided in the curtilage of the bungalow.

12. The proposal would result in the loss of the existing garage and the potential parking space that it provides. No replacement garage is proposed. Also, the scheme would reduce the size of the parking area in front of the garage and no plans have been submitted that shows the retained space would be large enough to accommodate a car. The appellant refers to a photograph that indicates 3 vehicles could be parked on the site. However, this has not been provided to me and the appeal drawings indicate no on-site parking spaces.
13. The appeal property lies on a private road and I saw vehicles parked in front and in a nearby parking bay. However, it is unclear from the information provided whether occupiers of the property would be able to rely on parking facilities on the road. Also, as the defined appeal site includes no part of the lane, it would be unreasonable to impose a condition that requires off-site parking spaces to be only used by occupiers of the proposal.
14. As such, I conclude that insufficient parking would be provided to serve the proposal. In these regards, the scheme would not accord with LP policies 39 and 40 which aim, amongst other things, to ensure development includes off-street parking in accordance with defined standards

Other considerations

15. The development would be seen from and would overshadow side windows at No 9. However, these are small and the development would not affect the outlook from, or daylight to, the main windows in the neighbour's front and rear elevations. As such, the proposal would have an acceptable effect on the living conditions of No 9's occupants. This is a neutral factor in my assessment.
16. The appeal submissions refer to other properties where extensions and a replacement dwelling have been permitted. Limited information is provided on these other schemes and the Council highlight that some were allowed prior to the adoption of the SPG. Also, the Council advise that the developments permitted since the SPG was introduced comply with its limits in terms of increase to buildings. As such, these other decisions are not comparable to the appeal proposal and so they attract little weight in my assessment.
17. The development would provide a larger living area with an improved layout for occupiers of the property. Also, it would introduce a greater degree of coherence to the building's appearance. Even so, there is no evidence to show the existing accommodation is inadequate and the property as it stands does not unduly detract from the area. The scheme would not result in a marked improvement to architectural or visual qualities and so the benefits in these regards are attributed modest weight.

Green Belt balance

18. The Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. These would only exist where the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In carrying out the balancing exercise, substantial weight is to be given to any harm caused to the Green Belt.
19. As well as harm by reason of inappropriateness, the proposal would cause a loss of openness, thereby adversely impacting on one of the essential characteristics of the Green Belt. I attribute modest weight to the harm caused

in this respect. Also, I attach modest weight to the identified conflict with the LP's parking policies.

20. On considering all the relevant matters, I conclude that the benefits of the proposal and all other considerations would not clearly outweigh the totality of harm the development would cause to the Green Belt, to its openness and in terms of parking. Consequently, the very special circumstances necessary to justify the development do not exist. As such, it would not accord with the Framework and LP policies 1 and 13. Amongst other things, these seek to resist inappropriate development in the Green Belt unless very special circumstances exist and to preserve its openness.

Conclusion

21. For the above reasons, the proposal would not accord with the LP policies when read as a whole and there is no justification to make a decision other than in accordance with the development plan. As such, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR