
Appeal Decision

Site visit made on 4 January 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2022

Appeal Ref: APP/B1930/D/21/3278638

Larann, 3 Darblay Close, Tower Hill Lane, Sandridge AL4 9BH

- 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 Paul Martin against the decision of St Albans City & District Council.
 - The application Ref 5/20/3005, dated 11 December 2020, was refused by notice dated 4 May 2021.
 - The development proposed is described on the application form as 'Erection of a Car Port with Study Area on First Floor'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In determining the appeal, I have had regard to the revised national Planning Policy Framework (the Framework), upon which the main parties have had the opportunity to comment.

Main Issues

3. The main issues in this case are:
 - whether the proposed development would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt; and
 - if the development is inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

4. The appeal property is located at the end of a short cul-de-sac that serves 4 dwellings set within spacious plots. It has common boundaries with two of the dwellings and views to the open countryside on the remaining two sides.

Whether Inappropriate Development

5. The Framework makes clear at paragraph 149 that the construction of new buildings in the Green Belt should be regarded as inappropriate, with a small number of exceptions. One of these is 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. Policies 1 and 13 of the City and District of St Albans District Local Plan Review - adopted 30 November 1994 (DP), deal with the Metropolitan Green Belt and Extensions or Replacement Dwellings in the Green Belt. They are supplemented by the Council's Residential Extensions and Replacement Dwellings in the Green Belt SPG which was adopted on 26th May 2004. Whilst I accept that certain elements of the development plan were adopted some time ago, their aims are nevertheless broadly consistent with the approach in the Framework insofar as this appeal is concerned.

6. The SPG indicates that garages and outbuildings within 5 metres of the original dwelling and over 10 m³ in volume will be classed as an extension. That appears a reasonable approach consistent with the purposes for which the Green Belt is established, as the bulk of the outbuilding will inevitably be read in the context of the host dwelling. As a guide it indicates that extensions which add between 20% and 40% more to the floorspace of the original dwelling, subject to a maximum volume increase of 300 m³, may be acceptable. The Framework defines 'original building' as meaning the building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally.
7. In their officer's report the Council indicate that the proposal, when considered alongside previous developments, would result in a 49% increase in the floorspace of the original house. This would equate to a 455 m³ increase in the volume of the buildings. The appellant does not dispute these figures and I have no reason to disagree with them.
8. No quantitative guidance is provided in national policy regarding what might be considered disproportionate. That said, the proposed building would have a large footprint, and a height, when measured to the ridge of 5.78m. Whilst acknowledging that the proposed building would be detached from the host property it would lie very close to it. As a result, it would be viewed in conjunction with the host property and would considerably add to its perceived bulk and massing.
9. Consequently, I find that the proposed development would amount to disproportionate additions over and above the size of the original building and would therefore constitute inappropriate development in the Green Belt for the purposes of the Framework and Policies 1 and 13 of the DP.
10. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

11. Openness is an essential characteristic of the Green Belt, which has a spatial aspect as well as a visual aspect. In this regard I find that the proposal would fill a gap between the host property and the outbuilding at Pilgrims Rest. The loss of the space between the buildings would reduce both visual and spatial openness.
12. On my site visit I observed that there would be limited views of the appeal property and the proposed development from Darblay Close and Tower Hill Lane. Furthermore, views of the proposed development from nearby public rights of way would be over a long distance and would be restricted by the topography and existing trees and hedges. Nevertheless, and noting my reasoning in paragraph 4, gaps between properties are features which

contribute to the open character of the area and enable an appreciation of openness of the Green Belt.

13. I accept that the Council has commissioned a report which assesses the contribution of the parcel of land in which the appeal site falls as qualified (in respect to the five purposes for which Green Belt is designated).¹ However not all Green Belt land contributes equally in respect of each purpose. I also note that in terms of 'safeguarding the countryside from encroachment' that parcel of land is identified as having a 'significant contribution'. Whilst the proposal would be within the curtilage of the property, given the foregoing reason it would nevertheless have some degree of adverse effect.
 14. Taken together the impact of the proposal on the openness of the Green Belt would be limited and localised. Nevertheless, harm would result to the Green Belt, and I am directed by Framework paragraph 148 to give 'substantial weight to any such harm'.
- Other considerations*
15. Framework paragraph 148, further establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
 16. I agree with the Council that the proposed development would be sympathetic to the surrounding area and would be in keeping with the design of the host property. I also acknowledge that the proposed development would not adversely affect the amenity of neighbouring residents. However, the absence of harm to the character and appearance of the area, or living conditions of neighbouring occupiers, is a neutral factor.
 17. I also note the appellants' desire to extend his house to provide a replacement car parking enclosure and accommodate the future needs as a family. Whilst personal circumstances are a material consideration, they carry only limited weight. The development would continue to exist long after the personal circumstances have ceased to be relevant.
 18. I have also taken into account the development that has been carried out at Pilgrims Rest. In this regard I have considered the evidence submitted and have viewed the site from the public realm. I find that the proposed development, in terms of its scale and design, is comparable to the case before me. However, its relationship with its host property, and the individual circumstances of the case are different. Accordingly, I can only attach very limited weight to this matter in my consideration of this appeal. Each planning application and appeal is determined on its merits.
 19. I have been presented with no additional evidence of any 'very special circumstances' in relation to this case, noting that there is no substantive evidence before me of any gas tank here previously or its associated effects in respect of openness.

¹ Parcel 43A of the Green Belt Review Purposes Assessment (Final Report 2013) referenced in paragraph 3.4 of the Appellant's statement of case.

Very special circumstances

20. The proposed development would represent inappropriate development, which is, by definition, harmful to the Green Belt. Additionally, I have found that there would be harm to the openness of this part of the Green Belt. Limited weight has been given cumulatively to the material considerations cited in support of the proposal, but I conclude that they do not outweigh the harm the proposed development would cause to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposed development therefore conflicts with Green Belt policy contained within the Policies 1 and 13 of the DP, the SPG and the Framework.

Conclusion

21. There are no other relevant material considerations that indicate the application should be determined other than in accordance with the development plan as a whole. For the reasons given above, I therefore conclude that the appeal should be dismissed.

John Gunn

INSPECTOR