
Appeal Decision

Site visit made on 20 September 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2022

Appeal Ref: APP/B1930/D/22/3293021

108 Lower Luton Road, Wheathampstead, Hertfordshire AL4 8HH

- 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 J Mace against the decision of St Albans City Council.
 - The application Ref 5/21/2681, dated 21 September 2021, was refused by notice dated 26 November 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: i) 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; ii) the effect of the proposal on the openness of the Green Belt; and iii) whether any 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 the proposal.

Reasons

Whether Inappropriate

3. The appeal site is located within the Metropolitan Green Belt. Paragraphs 147 and 148 of the Framework advise that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework advises that the construction of new buildings should be regarded as inappropriate in the Green Belt, but exceptions include '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'.
4. Saved Policy 1 of the St Albans District Local Plan Review (1994) (the LPR) sets out certain types of development which would be acceptable within the Green Belt. It does not identify extensions to buildings as being permissible within the Green Belt and is therefore inconsistent with the Framework. Accordingly, I assign little weight to this policy. Saved Policy 13 of the LPR explains that extensions to houses in the Green Belt may be permitted where they would not create a building significantly larger than the original building, which is broadly consistent with the Framework.

5. It is proposed to demolish an existing timber pergola and part of an area of decking at the rear of the appeal dwelling and erect a single storey extension across the full width of the rear of the building. The original building has been extended at ground and first floor level to the side and rear previously. The main parties agree that in combination with those previous extensions, compared to the original building, the proposal would increase its floorspace by 175 square metres and its volume by 219 cubic metres.
6. I have not been presented with the volume of the original building, but plans have been provided highlighting the extent of the original building, previous extensions, and the proposed extension. Taken in combination with previous extensions, the proposal would represent a 66% increase in the footprint of the original building.
7. Table 2 of the Council's Supplementary Planning Guidance (SPG)¹ suggests extensions to dwellings in the Green Belt of between 90 – 180 cubic metres in volume or 20 – 40% in floorspace, compared to the original building, may not be disproportionate, dependent on a number of factors. Table 1 of the SPG explains that, where a proposal performs 'very well' against the criteria listed at (ii) – (viii) of pages 6 – 9, an extension which exceeds those suggested ranges in volume or floorspace will be permitted. The SPG clarifies that the figures in Tables 1 and 2 are guidelines, not rigid limits.
8. The appellant has not objected to the Council finding the proposal would perform 'poorly' against criteria (ii) and 'well' against criteria (iii) and (vi) – (viii). I concur with those views for the same reasons set out by the Council. Against criterion (iv) I find that the proposal would perform 'well', as although it would not be visible in views from open countryside to the north, it would be partially visible in views from neighbouring properties and the highway. I find that the proposal would perform 'very well' against criterion (v) because it would not extend into a gap between dwellings which maintains the open aspect of the area.
9. Taking all of the above into account, on balance, the proposal would perform 'well' against criteria (ii) – (viii), but not 'very well'. The SPG does not, therefore, indicate that in this instance an extension which would increase the volume of the original dwelling by more than 180 cubic metres or increase the floorspace of the original dwelling by more than 40%, alongside previous extensions, would be acceptable. In any case, considering the SPG refers to 'permitted development limits' set out in the Town and Country Planning (General Permitted Development) Order 1995, which is no longer in effect², and the impact of development on views and the character of the area, which is inconsistent with the Framework, I assign reduced weight to the SPG in my decision.
10. The original building was a modest two storey semi-detached house. It has already been extended at ground and first floor level to the side and rear. The proposed development would stretch the full width of the previous extension, which exceeds the width of the original building. The proposed ground floor rear elevation would be a considerable distance from the rear elevation of the original building. Considered alongside previous extensions, the proposal would

¹ Residential Extensions and Replacement Dwellings in the Green Belt (2004)

² It has been replaced by The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO)

significantly increase both the volume and floorspace of the original building, creating a series of extensions which would not be subservient to the original building. This would result in disproportionate additions over and above the size of the original building.

11. The proposed development would not fall within any of the exceptions listed at paragraph 149 of the Framework, and as such it would constitute inappropriate development in the Green Belt. As the proposal would create a building significantly larger than the original building, it would be contrary to Saved Policy 13 of the LPR and the advice of the Framework.

Openness

12. The appeal site is one half of a pair of semi-detached houses which form a short row of similar properties surrounded by open countryside. The rear of the appeal site is enclosed by tall boundary treatment, thick planting and a large neighbouring outbuilding to the west. Views of the proposal from outside the appeal site would therefore be limited, but it would be partially visible from the highway and the rear of neighbouring properties.
13. Paragraph 137 of the Framework states: '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'. Paragraph 138 identifies five purposes Green Belts serve, including, amongst other things, to assist in safeguarding the countryside from encroachment. Openness is therefore an essential characteristic of the Green Belt, which has spatial and visual aspects.
14. An existing pergola and area of decking would be demolished as part of the proposal. The proposed development would be experienced alongside existing buildings within an enclosed domestic rear garden, where the increase in built form would be moderate. As such, its impact on the openness of the Green Belt would be minimal. Visually and spatially, it would increase the mass of the appeal dwelling, which would cause a very low level of harm to the openness of the Green Belt.

Other Considerations

15. The proposed development would create additional living space for a growing family, but I have not been provided with any information which demonstrates there is an essential need for the proposal. There would be a private benefit to the occupants of the appeal dwelling resulting from the ground floor space proposed, to which I attach moderate weight in favour of the proposal.
16. The GPDO allows certain forms of development to be carried out without the need for express planning permission. I have been referred to the provisions which permit 6m deep rear extensions and upward extensions to dwellinghouses, which are subject to prior approval first being obtained. It has also been claimed that the appeal dwelling could be extended to the side and at roof level and that large outbuildings could be erected in the rear garden without the need for planning permission. It has been claimed that such works would be capable of harming the character and appearance of the area and of having a more harmful impact on the Green Belt than the appeal scheme.
17. Development permitted by the GPDO could be restricted by a condition attached to a grant of planning permission, but that would only be effective

after the implementation of that planning permission. Development permitted by the GPDO is subject to conditions and limitations which restrict the extent of those works, but I acknowledge that a range of development could likely be carried out at the appeal site with the potential to harm the character and appearance of the area and the Green Belt. I have not been provided with any plans or detailed descriptions of any such works to convince me they would form a realistic fallback option for the appellant. I do not therefore consider there would be a greater than theoretical possibility such works would be carried out as an alternative to the appeal proposal.

18. Changes have been made to the GPDO which permit more extensive development in the Green Belt since the adoption of the LPR and the SPG. However, this does not convince me that any less weight should be assigned to those documents, where they are consistent with the Framework.
19. I have also been referred to other planning decisions made by the Council and other Inspectors relating to different sites. From the information provided I can see that there were different considerations relevant to those decisions. In particular, I note the Council found an extension at 114 Lower Luton Road would accord with the advice of the SPG, whereas I have found the appeal proposal would not. These other decisions do not convince me that the proposed development would not result in disproportionate additions over and above the size of the original building.

Green Belt Balance

20. The proposal would harm the Green Belt by way of inappropriateness and by a minimal loss of openness. The Framework requires substantial weight to be given to any harm to the Green Belt.
21. The benefits of the proposal would be modest, and I have attached moderate weight to them. I assign little weight to the possibility that other forms of development may be carried out at the appeal site without the need for express planning permission as alternative options to the proposal. Taken together, these matters and all other considerations raised in support of the proposal do not comprise the very special circumstances necessary to clearly outweigh the substantial weight the Framework advises I should assign to the harm which would be caused to the Green Belt. As such, the proposal conflicts with the Framework and Saved Policy 13 of the LPR.

Conclusion

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

L Douglas

INSPECTOR