
Appeal Decisions

Site visit made on 21 September 2022

by Mr Cullum Parker BA(Hons) PGCert MA MRTPI MCMI IHBC

an Inspector appointed by the Secretary of State

Decision date: 24 October 2022

Appeal A Ref: APP/B1930/W/21/3289821

Hunters Lodge, 17 Gustard Wood, Wheathampstead, AL4 8RP

- 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 Tierney against the decision of St Albans City & District Council.
 - The application Ref 5/21/2029, dated 9 July 2021, was refused by notice dated 20 September 2021.
 - The development proposed is described as 'two storey front extension'.
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Appeal B Ref: APP/B1930/Y/21/3285266

Hunters Lodge, 17 Gustard Wood, Wheathampstead, AL4 8RP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs Tierney against the decision of St Albans City & District Council.
 - The application Ref 5/21/2062, dated 9 July 2021, was refused by notice dated 20 September 2021.
 - The works proposed are 'two storey front extension'.
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Decisions

Appeal A and Appeal B

1. Both appeals are dismissed, and planning permission is refused.

Application for costs

2. An application for costs was made by Mr & Mrs Tierney against St Albans City & District Council. This application is the subject of a separate Decision.

Preliminary matters

3. This decision letter deals with two separate but linked appeals. Appeal A relates to planning permission, and Appeal B to listed building consent for the same scheme. Whilst both deal with different legislative frameworks, I have considered both in this single decision and deviated where necessary under the relevant legislation or considerations.
4. The local planning authority confirmed that whilst it issued a decision notice to 'refuse' planning permission under Appeal A, no reason was given. Nonetheless, both main parties have sought, through the appeal process, to address their concerns and observations on the other party's case. I have proceeded on this basis.

Main Issues

5. The main parties agree that the appeal site is located within the Green Belt. As such, the main issues for Appeal A are:
- (i) Whether the proposal would be inappropriate development in the Green Belt, including any impact on openness, having regard to the *National Planning Policy Framework* (the Framework) and any relevant development plan policies;
 - (ii) Whether the proposed works would preserve the special architectural or historic features of the listed building and preserve or enhance the character or appearance of the conservation area, and;
 - (iii) Would harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

6. Policies 1 and 13 of the *St Albans District Local Plan Review 1994* (LP), as supported by the *Residential Extensions and Replacement Dwellings in the Green Belt Supplementary Planning Guidance*, May 2004 (SPG), set out the local planning authority's approach to the Green Belt. Whilst of some age, these remain the key policies within the adopted development plan for the area. Whilst different phraseology is used, ostensibly they reflect the overall spirit of what is sought in national Green Belt policy.
7. This is set out in Section 13 of the *National Planning Policy Framework* (the Framework) and in particular, as set out in Paragraph 147 of the Framework which indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 149 and 150 of the Framework indicate limited exceptions to inappropriate development. Those listed in Paragraph 150 are of limited relevance in this case and it is not suggested by the parties that the proposal would fall into any of those exceptions: I concur.
8. Paragraph 149 sets out exceptions to inappropriate development which includes part 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'*. The Framework's Glossary defines the term 'original building' as *'A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally'*.
9. The Appellant's Statement of Case sets out that the proposal would result in an increase in floor area of approximately 40.8%. The Council's figure sets this out as a percentage increase of 59%. In both cases, it is clear that the proposal seeks a considerable increase in the footprint of the building. This would be an extension of two storeys in height and projecting away from the main body of the appeal building towards the highway.
10. Whilst acknowledging that this is a small infringement above the guidance figure of 40% as set out in Paragraph 5.4 of the SPG, the combination of the

floorspace, volume, bulk and scale proposed would result in a disproportionate addition over and above the size of the original building.

11. With regard to openness, Paragraph 133 of the Framework sets out 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. At its most basic level, the proposed development would see the erection of a two storey extension over some land which is currently not built on. The openness of the Green Belt, both spatially and visually would therefore be eroded; albeit limited by the overall quantum of development proposed.
12. Accordingly, the proposal would represent inappropriate development in the Green Belt as it does not fall within one of the exceptions set out in Paragraph 149 and 150 of the Framework. I now consider the potential impact of the proposal on the listed building and conservation area, before returning to other considerations.

Effects on heritage

13. Hunters Lodge is a 17th century house that is listed Grade II, and located in the Gustard Wood Conservation Area. It is principally constructed in brick and timber framing, with a tiled pitched roof. The Appellant suggests that it was probably a farmhouse originally, with deeds showing that it has been occupied with its garden as a domestic home and farm workers accommodation for at least 100 years. As such, the significance of the building derives from its age, vernacular architecture, archaeological interest and its historic relationship to the surrounding land. For similar reasons, the significance of this part of the conservation area derives from both this, and the relationship of the former agricultural workers dwellings and the surrounding land.
14. The proposed two-storey front extension would add around a further 9m to the front wing mentioned in the listing details. This would have the same width dimensions and overall proportions as the existing offshoot. It would therefore have matching eaves level, windows positioned on a level with the existing, matching roof pitch and overall ridge height. It would also use matching, white-painted render walls and reclaimed clay peg tiles on the roof. The Appellant suggests that the extension would replicate an earlier extension in this location, as shown on the photograph at iv) of the Summary¹.
15. However, the extension proposed would not replicate some of the features found in that photo. For example, as shown on drawing 1988 P002 Rev A, the southern elevation of the ground floor would be served by two windows with arches on the ground floor. In contrast, the photograph shows some form of door frame on the right hand side with a side hung casement window at first floor with thin mullion and transom forms. The proposed southern elevation would therefore not replicate the previous elevation of the extension.
16. There is also some form of fencing enclosing the area to the front of this wing of the building, which suggests separate occupation from Hunters Lodge. This would link in with the Appellant's point that this former wing of the building may have housed agricultural workers associated with the activities wider landholding.

¹ See *Appeal against the decision of St Albans City Council to refuse listed building consent for a two-storey extension at Hunters Lodge, 17 Gustard Wood, Hertfordshire - October 2021*

17. The proposed extension, by contrast, seeks to introduce a considerably long and frontwards projecting extension. This would fail to preserve the plan form of the original heart of the building by creating an elongated 'L' shaped. The effect in practical terms would be a dominant two storey extension projecting towards the public highway, which would detract from the legibility of the historic range.
18. Accordingly, the proposed works would have a negative impact on the listed building and for similar reasons on the conservation area. As such it would fail to preserve the special interest of the listed building and the character and appearance of the conservation area, as set out in the duties at s16(2), s66(1) and s72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, as amended. This harm would be no greater than less than substantial as set out in Paragraph 202 of the Framework; but nonetheless considerable weight should be afforded to the desire to preserve special interest.
19. Paragraph 202 of the Framework sets out that less than substantial harm should be weighed against the public benefits. In this case, these include the continued use of the building for residential use and the potential to replicate an earlier extension on the site. However I do not find that these outweigh the harm I have identified to the listed building and conservation area.
20. Accordingly, the proposal would be contrary to Policies 85 and 86 of the LP, which, amongst other aims, when considering applications for listed building consent, seek to have special regard to the desirability of preserving the building. It would also conflict with the Policies of the Framework, including those set out in Section 16. Conserving and enhancing the historic environment.

Other considerations

21. Whilst the Appellant considers that the proposal is not inappropriate development within the Green Belt, I have found otherwise. In this respect the Appellant considers that the following very special circumstances provide justification for it to be permitted in Green Belt terms.
22. In terms of the appeal at Land South of Heath Lane, ref 3273701, and other proposals elsewhere locally, this relates to a scheme for 167 dwellings and the Council's housing land supply position at that time. This is a very different proposal to that before me. Moreover, the extension of an existing building in residential use would not add an additional 'homes' to the overall housing land supply within the district. This factor is therefore afforded limited weight.
23. The fact that there was some form of projection on the location of the proposed extension is noted. However, this in itself does not provide justification given that this disappeared between the late 1800s and the Ordnance Survey mapping in 1924, and has not, therefore been present for nearly 100 years. Moreover, I have found that the design and appearance of the proposed extension would not replicate the earlier one and instead would detract from an appreciation of the historic heart of the listed building. This factor is afforded no more than limited weight in favour of the proposal.
24. With regard to the emerging *Wheathampstead Neighbourhood Plan 2020-2035* and in particular Policies SO1, SO2, SO3 and SO4, these do not provide justification for overcoming the policy conflicts I have found with the adopted

development plan for the area. Even as a material consideration, they do not indicate a decision otherwise than in accordance with the development plan. I afford this factor minimal weight.

25. 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 in this instance.

Overall Conclusions

26. Paragraph 148 of the Framework requires decision-makers to ensure that substantial weight is given to any harm to the Green Belt. In this case the proposal is inappropriate development and would reduce openness of the Green Belt. Other considerations weighing in favour of the development must clearly outweigh this harm. I acknowledge these, and all other considerations put forward by the appellant. Nonetheless, Paragraph 147 of the Framework makes clear that all development in the Green Belt is subject to stringent national planning policy tests, which I have applied. The very special circumstances necessary to justify the development do not exist in this case.
27. The proposal would also fail to preserve the special interest of the listed building and the character and appearance of the conservation area and the negative impact is not outweighed by public benefits arising.
28. As such, I find that the proposal for Appeal A would not accord with the adopted development plan and there are no material considerations indicating a decision otherwise than in accordance with it.
29. The proposed works for Appeal B would fail to preserve the special interest of the listed building. It would therefore be at odds with the Policies of the development plan and Framework relating to heritage, and the provisions of Sections 16(2) and 66(1) of the PLBCA.
30. Accordingly, I conclude that both appeals should be dismissed.

C Parker

INSPECTOR