



Appeal Decision

Site visit made on 5 July 2022 by C Glaister BSc (Hons)

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th November 2022

Appeal Ref: APP/B1930/D/21/3284210

Field End, Marshalls Heath Lane, Wheathampstead AL4 8HS

- 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 Doctor John Murray against the decision of St Albans City Council.
 - The application Ref 5/21/0817, dated 19 March 2021, was refused by notice dated 16 July 2021.
 - The development proposed is described as "First floor extension, over existing single storey, rear protrusion".
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (2021) (the Framework);
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the living conditions of the occupants of Roslin, with regard to light and outlook; and
 - if the proposal would be inappropriate development, whether the harm by reason 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 for the Recommendation

Whether Inappropriate Development

4. Policy 1 of the City and District of St Albans District Local Plan Review (November 1994) (the Local Plan) sets out that, other than in Green Belt settlements or in very special circumstances, permission will not be given for development other than certain specified types. It requires that new

- development within the Green Belt shall integrate with the existing landscape, and that siting, design and external appearance are particularly important.
5. Local Plan Policy 13 requires that any extended or replacement dwelling in the Green Belt shall be modest in scale, visually well integrated with its rural surroundings and shall not harm the ecology, natural beauty and amenity of the countryside or nearby dwellings. It goes on to state that extensions to houses in the Green Belt may be permitted unless the scale or visual impact upon the building as originally constructed would create a building of significantly larger or different character. It ends with a presumption against any extensions and incidental buildings being permitted.
 6. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 states that the construction of new buildings should be regarded as inappropriate in the Green Belt, with the exception of, amongst other things, 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 defines 'original building' as the building as it existed on 1 July 1948 or, if constructed after this date, as it was built originally.
 7. The Council's Supplementary Planning Guidance Residential Extensions and Replacement Dwellings in the Green Belt (May 2004) (the SPG) suggests, amongst other things, that side and rear extensions should not generally exceed 180m³ or a 40% increase in floorspace (so long as it does not result in a cubic content above 300m³). Flexibility is however possible subject to how well the development performs against a range of other criteria. It also suggests visibility from public viewpoints is a material factor for consideration. While it is of some age, the SPG provides guidance to aid in assessing proposals in the Green Belt against the criteria of the Local Plan.
 8. The appeal property is one half of a two-storey semi-detached pair, together with Roslin. There are dwellings opposite, some larger than the appeal property, but Field End and Roslin are alone on the western side of the road, and are fairly well-separated, both visually and spatially, from their closest neighbours. Field End has been previously extended, including a two-storey extension and a single-storey extension that projects to the rear. There is also an outbuilding behind the dwelling. The proposal would add a second storey above the existing single-storey rear projection. It would be almost as tall as the original dwelling and would extend past its side elevation.
 9. The Council suggests the proposal would result in a 153% cumulative increase in floor space beyond the original building, and a 365m³ increase over the existing dwelling. The appellant disputes these figures and the age of a previous conservatory (since replaced), suggesting the proposal would represent a 74% cumulative increase in floor space from the original building or, if the conservatory was not original, then a 124% increase. They calculate a 261.6m³ (74.8%) increase in volume, assuming the previous conservatory was original, or 338.6m³ (122%) if it were not. Even using the lowest of the appellant's figures, the proposal would still result in a very substantial increase in overall floorspace and volume compared to the original building. Both figures are well beyond the top of the ranges set out in the SPG.

10. Considering the SPG criteria, the position at the rear of the site means that the proposal would be partly screened from public viewpoints by the existing dwelling and intervening vegetation, some of which is evergreen. Nevertheless, glimpses through would be possible, particularly when the deciduous vegetation was not in leaf. In these views, the side projecting element would be visible above the conservatory. The proposal would not alter the footprint of the building but would reduce the space around it at first floor level. It would not affect parking, existing vegetation and landscaping or heritage assets. Therefore, overall, it would perform well against the SPG criteria. However, this does not justify exceeding the size range set out in the SPG by as much as is proposed here. The SPG is guidance however, and the criteria in the Local Plan also need to be considered.
11. The proposal would add considerable bulk and mass at first floor and roof levels, projecting to the side. Consequently, visually it would result in a clear and significant increase in the size of the existing property. In combination with the previous extensions, it would result in a significantly larger property than originally built. The roof form and projection to the side would compete with the simple form and scale of the original dwelling. Therefore, it would create a building of different character to the original and would not result in a dwelling of modest scale. Although it would still be smaller than other dwellings in the immediate area, I do not know how those came to be the size they are, and therefore these do not justify the size increase proposed.
12. Consequently, the proposal would create a building significantly larger and of different character to the original building. It would not therefore be permitted by Local Plan Policy 13. Nor would it fall within the list of developments allowed by Policy 1. Furthermore, given its size I find that the proposal, together with previous extensions, would result in disproportionate additions over and above the size of the original building. It would therefore be inappropriate development in respect of the Framework.
13. By definition, such development would harm the Green Belt. Paragraph 148 of The Framework instructs that substantial weight should be given to any harm to the Green Belt, and 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.

Openness

14. The courts have held that openness can have both spatial and visual aspects. The property has a relatively large, tree-lined garden, and the area around the site has a rural character with open fields. Although large in relation to the original building, the proposal would be set over the existing footprint of the dwelling. It would however result in some spatial reduction in openness by increasing mass and bulk at first floor level. Visually, it would be relatively well screened, only seen in glimpses from public viewpoints. Consequently, the proposal would have a limited effect on the openness of the Green Belt, both spatially and visually.
15. Nevertheless, although the degree of harm would be limited, the proposal would be detrimental to the openness of the Green Belt, a matter which attracts substantial weight.

Living Conditions

16. The attached property Roslin also has a rear projection on the side opposite Field End, which creates an area between the two properties that is partly enclosed. The proposal would occupy the full width of the existing single-storey extension and would have gable ends on either side, such that the roof would also be as wide as the rest of the proposal, up to and including the ridge.
17. Policy 72 of the Local Plan states that two-storey rear extensions shall not normally intrude into a 45-degree visibility zone of a neighbour's ground-floor windows and shall not unacceptably harm the light, privacy or amenity of an adjoining property. The proposal would intrude into the 45-degree visibility zone of ground-floor windows at Roslin. However, the language used in the policy suggests development need not accord with this rule in all instances. The impact of such an intrusion needs to be considered in relation to the specific circumstances of the site.
18. The appellant has submitted a daylight and sunlight report based on British Research Establishment (BRE) guidance. This guidance has been updated since the production of this report and the main parties have had the opportunity to comment on this change. The relevant parts in relation to light to existing development have not significantly altered however, so the conclusions of the report remain the same.
19. The report indicates that with the proposal, the windows at Roslin would meet the guidelines for daylight with regard to vertical sky components, except for the window referred to as W3. That window faces towards Field End and sits below an angled overhang. The report claims W3 would meet the guidelines were it not for the overhang. The overhang is an existing feature however, and the proposal would further reduce the daylight available to W3, beyond what is currently available to it. However, W3 would be the only window not to meet the BRE guidelines and it appears the room W3 serves also contains at least one other window. Consequently, overall, the harm to the occupiers' living conditions resulting from this reduction in light to one window would not be unacceptable.
20. The report found no effect on daylight distribution for the nearest rooms at Roslin, but indicates there is uncertainty in the results. The report also assessed the loss of sunlight to south facing windows at Roslin, and found that whilst sunlight hours would be reduced, BRE guidelines would be met. I therefore find no unacceptable harm in this respect.
21. The nearest rear windows of Roslin have a relatively open outlook, particularly as the rear extension to Roslin is modest in scale. The proposal would reduce the outlook from these windows in one direction by occupying the space above the existing ground floor extension. However, the open aspects would be retained in the other directions and therefore this would not unacceptably reduce the outlook from these windows. The proposal would also have a limited effect on light and outlook with respect to the rear garden of Roslin, with only a small proportion of the large garden affected.
22. Accordingly, the proposal would not unacceptably harm the living conditions of the occupants of Roslin with regard to light or outlook. It would therefore accord with Policy 72 of the Local Plan, which seeks to ensure the light, privacy, or amenity of adjoining properties is not unacceptably harmed. It

would also align with the Framework and its aim to ensure a high standard of amenity for existing users.

23. Local Plan Policy 69 is also cited by the Council, however this relates to general design and layout and does not specifically reference living conditions or amenity. It is therefore relevant to the main issues in this appeal only insofar as it requires applicants to take into account all relevant policies and requirements of the Local Plan.

Other Considerations

24. The appellant has stated that the proposal would provide an office space required due to the requirement to work from home following the Covid pandemic. This is a personal benefit however, and not an unusual situation with the move nationally to more working from home. It has not been demonstrated that the space cannot be provided elsewhere on the site or in another, less harmful form, and as such I afford this matter little weight.
25. Reference has been made to development at other properties within the same district. Whilst some information has been provided, the exact details of these developments are not clear. I therefore cannot be certain that they are comparable to the appeal proposal in terms of their impact on the Green Belt. While large percentage increases in floorspace were accepted, it is not clear how these related to the original volume of the dwellings, and whether this fell outside of the policy ranges. I also note that both proposals were found to comply with Local Plan Policy 13, which is not the case here.
26. The appeal referenced¹ was for development in a different Borough, with different policies. I note in particular that the Inspector identified that the policies did not identify specific limits or thresholds for 'disproportionate additions' in terms of floorspace or volume, so appear to be different to the situation here, where an SPG provides guidance to assist in considering the relative size of extensions. Furthermore, I have reached a different conclusion on the first main issue, having had regard to the specifics of this proposal. The permission for other developments does not therefore weigh in favour of this proposal.
27. The appellant has suggested the insulation provided by the extension would increase the efficiency and performance of the dwelling. Given the scale of development, the benefits of this would be minor, and therefore carry little weight.
28. No objection has been received from the occupiers of Roslin, but an absence of objections is a neutral matter. Similarly, although the design of the extension would be acceptable in relation to the host dwelling, this would be expected of any development and does not result in any benefits.

Conclusion and Recommendation

29. The proposal would be inappropriate development in the Green Belt and would be detrimental to Green Belt openness. It would therefore conflict with Local Plan Policy 13, the Framework, and the guidance in the SPG. The other considerations in this appeal, and the absence of harm in some respects, including living conditions of neighbours, do not clearly outweigh these harms.

¹ APP/Y3615/W/18/3202309

The very special circumstances necessary to justify the development do not therefore exist. Therefore, it would also conflict with Local Plan Policy 1.

30. Consequently, and having regard to all matters raised, I recommend that the appeal should be dismissed.

C Glaister

APPEAL PLANNING OFFICER

Inspector's Decision

31. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the recommendation. On that basis the appeal is dismissed.

L McKay

INSPECTOR