



Appeal Decision

Site visit made on 25 October 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2022

Appeal Ref: APP/C1950/W/21/3286231

Tylers Cottage, Tylers Causeway, Newgate Street, Hertford SG13 8QN

- 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 M Karachristou against the decision of Welwyn Hatfield Council.
 - The application Ref 6/2021/1207/FULL, dated 13 April 2021, was refused by notice dated 12 October 2021.
 - The development proposed is the erection of a dwelling following demolition of the existing dwelling house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site and the position of the proposed dwelling straddle the administrative boundary between the Council and East Hertfordshire District Council, who have also refused permission for the proposal. This is the subject of a separate appeal¹.
3. I note this appeal is accompanied by a different site layout plan (drawing number 07 Revision A) than the other appeal concerning the site. The difference between the plans relates to the siting of a bin store. I have determined each appeal on its own merits with regard to the evidence that has been placed before me.
4. The Council's decision notice refers to Policy SADM 1 of the Draft Local Plan Proposed Submission August 2016 (ELP), however the officer report refers to ELP Policy SADM 11. I have therefore considered the appeal against ELP Policy SADM 11 as this relates to the development proposed.

Main Issues

5. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - 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 required to justify the proposal.

¹ APP/J1915/W/21/3286224

Reasons

Inappropriate development

6. The site is located within the Metropolitan Green Belt. The Framework identifies at paragraph 137 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 states 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 confirms that new buildings are inappropriate in the Green Belt unless it is one of the exceptions listed. A replacement building is not inappropriate provided it is in the same use and not materially larger than the one it replaces. There is no dispute in this case the proposed building will be in the same use as the existing. It is also not in dispute that the garage and outbuilding to either side of the dwelling are in sufficient proximity that for Green Belt purposes they can be considered to form part of the dwelling.
7. Welwyn Hatfield District Plan adopted April 2005 (the District Plan) Policies GBSP1, GBSP2 and RA4 set the approach to the Green Belt and detailed criteria for replacement dwellings in the Green Belt. While it is not the same in terms of detailed considerations, the overarching policy approach seeks to protect the Green Belt in a manner consistent with the Framework. The Council has also referred to ELP Policy SADM 34. This policy puts forward additional criteria to those set out in the Framework and the supporting text to this provides further guidance on the interpretation of 'materially larger' by specifying that this should be assessed in terms of footprint, height and external volume. Whilst the Framework does not define or provide guidance on the interpretation of 'materially larger' the clarification of how the Council would assess the issue at a local level is not necessarily inconsistent with the Framework. Although the ELP has been through examination, there is limited evidence before me as to the subsequent progress of the examination or the Inspector's conclusions on Policy SADM 34 which limits the weight which I can attach to the policy in my decision.
8. The appellant has set out in his statement the existing and proposed details of the building in terms of footprint, external floorspace, internal floorspace and volume. The calculations include the garage and outbuilding either side of the dwelling as part of the existing dwelling. The Council's statement notes volume calculations were not provided as part of the original application and that there are discrepancies between these figures and those used in their officer report. In their report, the Council calculated there would be a 25% increase in external floorspace. The appellant acknowledges the increase in floorspace as 'small' but notes the footprint of the building would be 'significantly reduced' and the increase in volume would be 5%.
9. While the replacement dwelling would have a smaller footprint and a limited increase in volume, there would be a 58sq m increase in the external floorspace and a 48sq m increase in the internal floorspace, which equate to a 24% and 23% increase respectively. I consider that would be materially larger than the existing dwelling. As such, the proposal would not fall within exception d) of Paragraph 149 of the Framework.
10. The appellant has also put forward that the proposal could be considered against exception g) of Paragraph 149 of the Framework. This is a conditional exception which, as it relates to this appeal, allows for the redevelopment of

previously developed land subject to it not having a greater impact on the openness of the green belt than the existing development. It is not in dispute that the site is previously developed land.

11. The second part of the Paragraph 149 g) exception requires consideration of openness. 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'. Openness is the absence of development and can have spatial as well as visual aspects.
12. The existing dwelling is stepped and limited in depth, with single storey sections to either side of the two-storey central section of the dwelling. The proposed dwelling would be in a similar position, slightly smaller in height than the existing and would occupy less of the width of the plot due to its design and the removal of the single storey garage and shed sited to either side.
13. The appellant suggests that as a result the proposal would allow for greater views from the street through the site and suggest a greater spaciousness around the dwelling; however, the replacement dwelling would be entirely two-storey and would have notably more depth than the existing dwelling. Despite seeking to minimise its mass through the use of gables, the appeal proposal would be perceived as a more substantial dwelling than that on the site at present due the increased depth and substantial roof structure. This would harm the openness of the Green Belt.
14. The appeal plans show a timber frame pergola to serve as a car barn, a bin store and a parking court to be sited adjacent to the dwelling. These demonstrate that there would be related domestic paraphernalia sited on the land further reducing openness.
15. The surrounding area is characterised by large dwellings set in substantial plots. Dwellings are set back from the street in landscaped gardens, however there is no prevailing architectural style. The proposal would be sited in a similar position to the existing dwelling set within a spacious plot and would, therefore, respect the pattern of development. In the absence of a prevailing architectural style in the area, the modern appearance, whilst different to the existing building, would not in itself harm the character and appearance of the area.
16. For these reasons, when considered as a whole, the appeal proposal would constitute inappropriate development in the Green Belt as it would not meet any of the exceptions set out in paragraph 149 of the Framework and would therefore be contrary to District Plan Policy RA4. Paragraph 147 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Other considerations

17. No concerns have been raised with regard to the living conditions of existing and proposed residents therefore I find no conflict with ELP Policy SADM 11.
18. The appellant has submitted a decision notice² and plans which confirmed that prior approval was not required for the erection of a single storey rear

² 6/2020/3004/PN8 confirmed prior approval was not required on 16 December 2020

extension 8m in depth and 3m in height and to the eaves. The appellant has indicated they would erect this extension were this appeal to be dismissed and I have no reason to dispute this. It therefore represents a realistic fallback position.

19. The fallback scheme would be unlikely to be visible in public views of the site. However, it would inevitably reduce the openness of the Green Belt by occupying space that was previously undeveloped. As a single storey extension, it would not result in the increase in the mass and bulk of the dwelling that I have identified above as harmful. As I have also found that the appeal proposal would harm the openness of the Green Belt, allowing it would therefore not confer a benefit as the harm would not be avoided. This reduces the weight I attach to the fallback position.
20. I accept that the proposal would address the 'sprawling' characteristics of the current dwelling and as such could provide for improved living conditions for future occupants of the property. However, this would be a private benefit and as such would attract limited weight.
21. I have found that the proposal would constitute inappropriate development in the Green Belt and paragraph 148 of the Framework states that substantial weight should be given to this. I have attached limited weight to the fallback position for the reasons given above. 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.

Conclusion

22. The development conflicts with the development plan taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

J Downs

INSPECTOR