



Appeal Decisions

Site visit made on 6 December 2022

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

Appeal A Ref: APP/B1930/W/22/3304630

Bowersbury Farm, Bower Heath, Harpenden AL5 5EE

- 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 G Middleton against the decision of St Albans City Council.
 - The application Ref 5/22/1221, dated 9 May 2022, was refused by notice dated 4 July 2022.
 - The development proposed is a double garage with incorporated home office.
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Appeal B Ref: APP/B1930/W/22/3301684

Bowersbury Farm, Bower Heath, Harpenden AL5 5EE

- 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 G Middleton against the decision of St Albans City Council.
 - The application Ref 5/22/0436, dated 18 February 2022, was refused by notice dated 25 May 2022.
 - The development proposed is a double garage with incorporated home office.
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Appeal C Ref: APP/B1930/W/22/3304636

Bowersbury Farm, Bower Heath, Harpenden AL5 5EE

- 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 G Middleton against the decision of St Albans City Council.
 - The application Ref 5/22/1227, dated 9 May 2022, was refused by notice dated 30 June 2022.
 - The development proposed is a double garage/home office and garden shed to dwelling under construction approved under planning permission 5/2021/2244 dated 24/09/2021.
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Appeal D Ref: APP/B1930/W/22/3304637

Bowersbury Farm, Bower Heath, Harpenden AL5 5EE

- 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 G Middleton against the decision of St Albans City Council.
 - The application Ref 5/22/1228, dated 9 May 2022, was refused by notice dated 30 June 2022.
 - The development proposed is a triple garage/home office and garden shed to dwelling under construction approved under planning permission 5/2021/2244 dated 24/09/2021.
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Decisions

1. **Appeal A** - The appeal is allowed and planning permission is granted for a proposed double garage with incorporated home office at Bowersbury Farm, Bower Heath, Harpenden AL5 5EE in accordance with the terms of the application, Ref 5/22/1221, dated 9 May 2022, and the plans submitted with it, subject to the conditions in the attached schedule A.

Appeal B - The appeal is allowed and planning permission is granted for a proposed double garage with incorporated home office at Bowersbury Farm, Bower Heath, Harpenden AL5 5EE in accordance with the terms of the application, Ref 5/22/0436, dated 18 February 2022, and the plans submitted with it, subject to the conditions in the attached schedule B.

Appeal C – The appeal is allowed and planning permission is granted for a proposed double garage/home office and shed to dwelling under construction approved under planning permission 5/2021/2244 dated 24/09/2021 at Bowersbury Farm, Bower Heath, Harpenden AL5 5EE in accordance with the terms of the application, Ref 5/22/1227, dated 9 May 2022 and the plans submitted with it, subject to the conditions in the attached schedule C.

Appeal D – The appeal is allowed and planning permission is granted for a proposed triple garage/home office and shed to dwelling under construction approved under planning permission 5/2021/2244 dated 24/09/2021 at Bowersbury Farm, Bower Heath, Harpenden AL5 5EE in accordance with the terms of the application, Ref 5/22/1228, dated 9 May 2022 and the plans submitted with it, subject to the conditions in the attached schedule D.

Preliminary Matters

2. The application forms for all 4 planning applications use the same description of development. However, Appeals C and D both propose a detached garage/home office and separate garden shed. I have therefore used the description of the development from the Council's decision notices in these cases, as it more accurately describes the proposed development.

Main Issue

3. The main issue is whether the proposed developments would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies.

Reasons

4. The appeal site lies within the Metropolitan Green Belt. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. One of which 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.
5. Policy 1 of the St Albans District Local Plan Review 1994 (the LP) outlines the extent of the Metropolitan Green Belt in the district. It identifies specific exceptions where development will be granted planning permission and that the circumstances and locations where development will be permitted should have regard to relevant policies in the plan. LP Policy 13 sets out that

extensions to dwellings in the Green Belt, including garages and outbuildings, may be permitted subject to the scale of the development and effect on the character of the original dwelling. Whilst the Policies in the LP are of some age, the presumption against extensions of a scale that would create a building significantly larger than the existing is not wholly at odds with the Framework.

6. There is no dispute between the parties that due to the siting and use of the proposed buildings, including Appeals C and D for 2 buildings, the proposals would constitute extensions to the building for the purposes of Green Belt policy under normal circumstances. This reflects advice in the Council's Residential Extensions and Replacement Dwellings in the Green Belt Supplementary Planning Guidance May 2004 (the SPG), which sets out that where garages and outbuildings within 5m of the original dwelling, and over 10m³ in volume, such proposals would constitute an extension to the dwelling, and should be considered on this basis.
7. Notwithstanding this, I note the Council's view that the proposals in this case would not represent extensions to the building in so far as the dwelling at the appeal site is currently under construction and not yet complete. However, at my site visit it was evident that the dwelling was close to completion and had the appearance of a dwelling, with walls, roof and fenestration in situ. There is no substantive evidence as to why a dwelling has to be occupied in order for planning permission to be granted for extensions to it. I am therefore satisfied that the proposals would constitute an extension to the dwelling.
8. Consequently, in accordance with the Framework and LP policies 1 and 13, an assessment is required as to whether the size of the proposals would result in disproportionate additions over and above the size of the original building. The SPG sets out specific criteria against which a proposed extension is to be assessed, in order to establish an applicable threshold for the size of an extension, including volume and floorspace. In order to perform well against criterion (iii) more substantial front extensions must not alter the character of the dwelling. Criteria (iv) visibility from public viewpoints and (v) extensions in gaps between dwellings are also relevant to the proposal.
9. Whilst not fully complete or occupied, the site is nevertheless distinctly residential in character, including a dwelling and associated enclosed garden area and access drive with a turning/parking area. The scale and design of the proposed detached garage/office/store outbuildings would reflect the domestic nature of the appeal site. Furthermore, for the same reasons, they would not detract from the open character of the appeal site, despite their siting to the side/front of the dwelling.
10. Criterion (v) refers to gaps between buildings within groups of buildings in the Green Belt. The dwelling is set back from the neighbouring dwelling, as such the proposed outbuildings would not result in the loss of the gap between the properties. Moreover, as a result of the distance from the highway, together with the surrounding mature planting and context of the existing built development, the proposed buildings would not be readily visible in the street scene or from the wider open countryside, including the majority of the woodland, beyond the site. I therefore find that the proposals would perform 'very well' against the relevant criteria in the SPG.

11. Table 1 in the SPG indicates that in these circumstances, an extension above the percentage floorspace increases or cubic content (whichever is the larger) set out in Table 2 of the SPG would be permitted. The Council indicates that the largest of the proposals (Appeal D) would represent a 40% increase in floorspace, being the top of the stated allowable range. The table indicates that the floorspace should also be subject to a maximum increase in cubic content of 300m³ but it is not clear how this is a good indicator of the proportionality of an extension to the main dwelling and, in any case, the Table 1 clearly allows schemes that perform very well against the criteria to exceed the maximum.
12. Therefore, following the approach of the SPG, I find that appeal D would not represent a disproportionate addition to the original building in terms of the Framework, nor a significantly larger dwelling, or one of a different character, as required by LP Policy 13.
13. As appeal D is the largest of the proposals, I reach the same conclusion in respect of the other 3 appeals. In that regard, all 4 of the proposals are not inappropriate development in the Green Belt.

Conditions

14. In addition to the standard condition relating to the commencement of development, it is necessary to specify the approved plans to provide certainty. A condition regarding the materials to be used in the external surfaces of the proposed development is also necessary in each case to ensure the development is visually satisfactory, I have amended the Council's suggested condition in this regard in the interests of clarity, given the details stated within the documents accompanying the applications.

Conclusion

15. For the reasons given above, the appeals are allowed.

Emma Worley

INSPECTOR

Schedule A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P01 A, PL10 and PL11.
- 3) The external surfaces of the development hereby permitted shall be constructed only of materials, the type and colour of which match exactly those of the existing building.

Schedule B

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P01 A, PL03 and PL04.
- 3) The external surfaces of the development hereby permitted shall be constructed only of materials, the type and colour of which match exactly those of the existing building.

Schedule C

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P01 A, PL06 (Shed), PL06 (Garage) and PL09.
- 3) The external surfaces of the development hereby permitted shall be constructed only of materials, the type and colour of which match exactly those of the existing building.

Schedule D

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P01 A, PL05, PL06 and PL08.
- 3) The external surfaces of the development hereby permitted shall be constructed only of materials, the type and colour of which match exactly those of the existing building.