



Appeal Decision

Site visit made on 16 January 2023

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2023

Appeal Ref: APP/C1950/D/22/3296697

108 Harmer Green Lane, WELWYN, AL6 0ET

- 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 A & R Thomas against the decision of Welwyn Hatfield Council.
 - The application Ref 6/2022/0123/HOUSE, dated 18 January 2022, was refused by notice dated 15 March 2022.
 - The development proposed is erection of a first floor rear extension incorporating a roof light and front porch.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in respect of this appeal are: -
 - a) 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;
 - b) The effect of the proposal on the openness of the Green Belt; and
 - c) Whether harm by reason of inappropriateness would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal?

Reasons

Inappropriate development

3. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts being their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
4. The Framework states that the local planning authority should regard construction of new buildings as inappropriate development in the Green Belt unless it is one of seven specific exceptions (paragraph 149 of the Framework). One of the exceptions 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 RA3 of the Welwyn Hatfield District Plan 2005 (the District Plan) sets out that extensions to existing dwellings within the Green Belt will be allowed but only where certain criteria are satisfied. Criterion (i) requires the proposal not to individually or when considered with existing or approved extensions to the original dwelling, result in a disproportionate increase in the size of the dwelling.
6. The Council has undertaken a mathematical exercise which indicates that previous extensions to the side and rear to the original dwelling house have increased the footprint of the building by approximately 109m². The footprint of the proposed rear extension and front porch would add an additional floor area of approximately 44.8m². The Council has identified that the cumulative floor area would be an increase of approximately 153.8% over and above the original dwelling.
7. In qualitative terms the proposal would add to the scale, bulk, height and massing of the dwelling. In 2007 the Council granted planning permission for the erection of a front porch and replacement of flat roof to the rear elevation to a pitched roof, although these were not carried out. The works to the front porch are the same as those granted planning permission in 2007. In that case the appellant highlights that the officers report did not mention qualitative floor space or volume additions.
8. In qualitative terms the proposed porch would be modest in scale, however the rear first floor extension would be more substantial. It would rise to just below the ridge of the existing roof and would create additional built form at first floor level. The rear extension would be a substantial addition to the property and increase the scale and bulk of the building and change its visual appearance to one of a larger property.
9. The Framework does not define what is meant by a disproportionate addition. However, I consider that any assessment may be informed by the amount of additional floor space proposed over and above the original floorspace combined with a qualitative view on the visual impact of the proposal. In this case, the proposal taken collectively with other previous extensions to the dwelling, would represent disproportionate extensions to this property.
10. In not complying with the exceptions, the proposal would be inappropriate development in the Green Belt, which paragraph 147 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I also find that the proposal does not comply with Policy RA3 Criterion (i) of the District Plan.
11. The Council's decision notice also refers to emerging Policy SADM34 but I have not been advised what stage the emerging plan is at or whether this policy would be subject to scrutiny or potential change. As a consequence, I give little weight to the emerging policy cited.

Openness

12. Paragraphs 137 and 138 of the Framework set out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 137 indicates that openness is one of the essential characteristics of Green Belts.

13. The proposal would not significantly extend the existing footprint of the building or encroach into the wider countryside land. However, it would result in the increased size of the dwelling and this would reduce openness by virtue of increased built development in the Green Belt. As a result, this would have a negative effect on the openness of the Green Belt. For this reason, there would be a degree of harm arising from this development, in addition to that arising from the inappropriate nature of the development.
14. Consequently, I find that the proposal does not comply with paragraph 137 of the Framework as it would not preserve the openness of the Green Belt.

Other considerations

15. The area is not covered by an Article 4 Direction and the dwelling has not exercised all of its permitted development rights that could increase the size of the dwelling at the rear. Reducing the depth of the proposed first floor extension by 2m the appellants advise would render it permitted development.
16. Further to the above, the Council have recently granted planning permission for the erection of a large, detached replacement dwelling with outbuildings at a neighbouring site, 106 Harmer Green Lane. The resulting development at the appeal site would be less than half the size of that of the development granted permission at 106 Harmer Green Lane. Permitted development can provide a fallback position that can amount to very special circumstances as they could be implemented as an alternative to the application scheme.
17. Consideration needs to be given to whether there is a greater than theoretical prospect that the permitted development additions would be constructed. In the case at 106 Harmer Green Lane approval was in place for a single storey rear extension and a lawful development certificate has been issued for a single storey side extension, porch and outbuilding. This provided a clear indication of intention to extend that property.
18. Permitted development would allow for extensions to the appeal property. However, unlike the case at 106 Harmer Green Road, there are no permissions or approvals in place that would indicate a clear intention to extend the property in such a way. I do not consider the existence of permitted development would demonstrate a greater than theoretical prospect that additions would be constructed. The existence of permitted development does not make the proposed development more acceptable, nor does it justify the harm that I have identified above. Furthermore, if a first-floor extension to the rear could be constructed as the applicant says, it would be of 2m lesser depth than that proposed. As such, this fallback position would be less harmful. As such, the existence of permitted development rights offers little weight in favour of the proposal.
19. Despite recent additions, the dwelling is not overlarge in relation to its plot and in relation to other dwellings in the vicinity of the appeal site. The resulting development would be modest in scale when compared to other properties in the area that have benefited from previous extensions. This is a benefit of the proposal to which I attribute moderate weight.

Conclusion

20. In conclusion, I have identified that the development would be inappropriate development in the Green Belt as defined by the Framework and would conflict

with Policy RA3 of the District Plan. Furthermore, the proposal would not preserve the openness of the Green Belt as required by the Framework. The proposed development would by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight. In contrast, the other considerations, at best, hold moderate weight.

21. Having regard to all matters raised, I conclude that there are no considerations sufficient to clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development conflicts with the development plan and the advice in the Framework.
22. For the reasons given, I conclude that the appeal should fail.

Nicola Davies

INSPECTOR