



Appeal Decision

Site visit made on 11 April 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 May 2023

Appeal Ref: APP/P1940/D/22/3307864

Summer Hill House, Stag Lane, Hertfordshire, Chorleywood WD3 5HD

- 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 and Mrs Pearson against the decision of Three Rivers District Council.
 - The application Ref 22/1190/FUL, dated 21 June 2022, was refused by notice dated 31 August 2022.
 - The development proposed is a single storey rear extension, first floor side extension including front and rear dormers.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. The latter more accurately reflects the scope of the proposed plans which were submitted, consulted upon, determined by the Council and are now the subject of this appeal. As no parties' interests would be prejudiced, in the interests of clarity I rely upon that latter description for the purposes of the heading above.

Main Issues

3. The main issues are:
 - 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;
 - The effect of the proposal on the openness of the Green Belt; and
 - Whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances to justify it.

Reasons

Whether inappropriate development

4. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new

buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149.

5. Policy CP11 of the Three Rivers District Council Core Strategy (TRCS) adopted October 2011 has a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. Policy DM2 of the Three Rivers District Development Management Policies Local Development Document (TRDMP) adopted July 2013 also sets out that new buildings are inappropriate subject to certain exemptions. These policies are broadly consistent with the approach of the Framework, in that there is a presumption against inappropriate development subject to very special circumstances.
6. Criterion c) of paragraph 149 is the most pertinent exception to this appeal, which applies to 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. Neither the Framework or the local plan provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement. The appellant refers to a 40% increase in floorspace being proportionate in Three Rivers District historically, as contained in Council Supplementary Planning Guidance (SPG). However, this figure is unsubstantiated as neither party has provided me a copy of the SPG.
7. The existing house has been extended overtime, including the provision of a double garage/utility room, study, bedroom, bathroom and a single-storey side/rear extension, removal of rear chimney, new rooflight to front and alterations to fenestration including new doors. The proposal would provide for a modest single storey rear extension, first floor side extension including front and rear dormers following the demolition of the single storey outbuilding. The appellant highlights the total cumulative extensions to the property, including the removal of the existing outbuilding would equate to an overall increase of 50% over the original building.
8. Whilst the proposal would provide a modest increase in the overall footprint of the property, the scheme would nevertheless increase the mass, bulk and volume of the existing property, particularly at the first floor and roof levels. Whilst the site is set back from the road, the property and parts of the proposal would be visible from public vantage points. The scheme would provide a wide seamless extension that would not appear subservient to the host property. As such, the proposal, along with the previous extensions, would therefore represent a significant cumulative increase and result in disproportionate additions over and above the size of the original building. Accordingly, the development would be inappropriate development in the Green Belt.

Openness

9. There are spatial and visual aspects to the assessment of the openness of the Green Belt. In spatial terms, the scheme would provide extensions to the first floor and roof treatment on the side and rear elevations. It is acknowledged that the scheme removes the single storey outbuilding resulting in a reduction of 45.6m² in floorspace, however the proposal provides an additional 59.3m² resulting in a spatial increase of 13.7m² from the existing position. These

extensions would increase the development size, and therefore would have a limited adverse impact on the openness of the Green Belt in spatial terms.

10. With regard to the visual aspect, the property is visible from public vantage points along Stag Lane. Whilst the modest rear extension would only be visible from the garden, the increase in height and mass at the upper floor level to the side when viewed from the front, would be clearly visible from the surrounding area and as such, would intrude upon the openness of it. Nevertheless, the site itself occupies a ribbon of development alongside other residential properties, which contrast with the much less developed open spaces that surround the area, and as such overall I would conclude that the scheme would have a modest visual effect on the openness of the Green Belt.
11. Whilst I find there would be limited impact on both the visual and spatial dimensions of the openness of the Green Belt, there would be a harm, nonetheless. Therefore, the proposal would fail to preserve the openness of the Green Belt.

Other considerations

12. The appellant draws my attention to a potential fallback position and a Certificate of Lawfulness¹ issued at the site for a two-storey rear extension, which is significantly larger than the current proposal, increasing the floor area of the original dwelling to 61% compared to the 50% increase as a result of the appeal scheme. Given that the lawful scheme would be located at the rear of the property it would have less of a visual impact than the appeal scheme.
13. Whilst I find that the appeal scheme provides a reduced quantum of development compared to the lawful scheme, this would not amount to very special circumstances to justify an approval. The appeal scheme would be sited closer to the road and would be in a more prominent position. Although I have found the proposal would have a modest effect on the openness of the Green Belt, the increase in width provides additional bulk and mass, which is more prominent in the wider setting in comparison to the lawful scheme. The more discreet rear location of the fallback scheme would provide only glimpse views from public vantage points and in my view, would have significantly lesser effects on the Green Belt and surrounding area than the appeal scheme. Whilst this is a realistic fallback position, for the reasons above I apportion this limited weight.
14. The proposal would improve the layout of the existing dwelling and would deliver a larger master bedroom. However, although some of the existing rooms are smaller, the current layout appears to be functional and sufficient to provide a comfortable living environment to its occupants. Accordingly, I give this matter limited weight.

Green Belt balance

15. The development plan and the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework goes on to advise 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

¹ Three Rivers District Council Planning Ref: 22/0775/CLPD

the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

16. As explained above, whilst I have identified other considerations such as the fallback position, I give this only limited weight in support of the proposal and conclude that, this does not clearly outweigh the harm the scheme would cause to the Green Belt by reason of its inappropriateness. As such the very special circumstances necessary to justify the development do not exist.

Conclusion

17. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR

