



Appeal Decision

Site visit made on 1 February 2023

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/C1950/D/21/3289534

25 The Avenue, Welwyn AL6 0PW

- 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 D Wickramasinghe against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2021/2829/HOUSE, dated 30 September 2021, was refused by notice dated 09 December 2021.
 - The development proposed is: Part single & part two storey front, side & rear extensions and new rear dormer and garage roof alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The site is located within the Green Belt. In line with paragraph 149 of the National Planning Policy Framework (the Framework) the construction of new buildings is considered to be inappropriate within the Green Belt unless they fall within a limited number of exceptions. Paragraph 147 states that inappropriate development within the Green Belt is considered to be harmful, by definition, and should not be approved except in very special circumstances.
3. The appellant does not seek to argue that there are any very special circumstances in support of the scheme but does dispute whether the proposal amounts to inappropriate development at all, having regard to the policies of the Framework, the Welwyn Hatfield District Plan (2005) (the Local Plan) and the Emerging Welwyn Hatfield Local Plan (the ELP). In other words, if I were to find that the development would be inappropriate, or would cause harm in terms of its design, no material circumstances have been put forward that would outweigh that harm.
4. Thus, the main issues are:
 - i) Whether the proposal would amount to inappropriate development within the Green Belt, including an assessment of the effect on the character and appearance of the area as required under saved policy RA3 of the Local Plan.
 - ii) The effect on the openness of the Green Belt.

Reasons

Whether Inappropriate Development

5. Paragraph 149 of the Framework identifies the types of new buildings that do not constitute inappropriate development within the Green Belt. That includes extensions to existing buildings, under sub-paragraph (c), where the extension does not result in a disproportionate addition over and above the size of the original building. The original building is defined as the building as it stood in 1948 or, if constructed after that date, the building as it was originally constructed. Extensions must be considered cumulatively such that any previous additions need to be taken into account as well as the current proposal.
6. Neither the Framework or the Local Plan provide a numerical figure above which extensions are considered to be disproportionate and any assessment therefore requires a degree of judgement.
7. Saved policy RA3 of the Local Plan contains two limbs, the first of which requires that a proposal would not, individually or cumulatively, result in a disproportionate increase in the size of the dwelling. The second limb requires that extensions should not have an adverse impact on the character, appearance and pattern of development in the surrounding countryside. It appears to me that the two limbs are distinct from one another such that one must consider the question of whether an extension would be disproportionate under the first limb and then also consider the visual impact under the second.
8. In other words, an extension that is disproportionate in size compared to the original building could be well-designed in terms of its outward appearance and located such that its visual effect on the character, appearance and pattern of development of the surrounding countryside is very limited. Conversely, a prominently sited and poorly designed extension could still have an adverse visual effect on the character and appearance of an area even if not disproportionate in scale.
9. I have also been referred to policy SADM34 of the ELP. That plan is well-advanced, having been through examination. I have not been drawn to any inconsistencies between SADM34 and the policies of the Framework and the emerging policy can be given significant weight accordingly. The relevant part of the policy is similar to saved policy RA3, albeit framed slightly differently.
10. The first sentence requires that proposals, individually or cumulatively, should not result in disproportionate additions over and above the size of the original building, in bulk, scale, height or massing. The second sentence states that *account will be taken of the extent to which the extension would be consistent with the general pattern of development and character of the area and its prominence within the landscape*. It is not immediately obvious if the words "account will be taken of" are intended to imply that those matters will form part of the consideration of whether a proposal is disproportionate in size or if the second sentence should be viewed independently of the first and that those matters will be taken into account as part of the general assessment of a proposal.
11. However, the Framework is very clear that consideration of whether something would be disproportionate is based on its size compared to the original

building. The comparison must be made against the *original building*, not the general scale of development in the locality. The fact that larger buildings may be present in the wider area does not affect that assessment. Thus, where the second sentence of the relevant part of SADM34 requires consideration of the general pattern of development and character of the area, I am minded to view that as a secondary requirement because those factors relate to the wider impact as opposed to a comparison between the size of an extension and the size of the *original building*.

12. The planning history indicates that the property has been extended previously and the Council contends that the floorspace of the current proposal, 101sqm, when added to previous additions would amount to an overall increase of 198sqm. That would be an increase of 185% over and above the floorspace of the original building. The appellant has not disputed those figures or provided any alternative calculation.
13. By any means an increase in floorspace of 185% is substantial. Moreover, the proposed alterations would significantly increase the volume of the property, adding substantial bulk and mass at first floor level. Compared to the modest size of the original property, the cumulative increase of the current proposal, together with previous additions, would undoubtedly represent a disproportionate increase over and above the size of the original building in my view.
14. In terms of wider impact, the appeal property sits within a row of substantial detached properties, all of which have generous gardens. Many of the neighbouring dwellings are significantly larger than the appeal property. Although the combined effect of the extensions would be disproportionate compared to the size of the original property, the resultant dwelling would still be modest in comparison to many of its neighbours and would not appear unusual or out of keeping with the established pattern of development on account of its scale. The dwelling sits within an extremely large plot and the rear extensions would be contained visually such that there would be little effect on the wider landscape.
15. The proposal is well-designed in architectural terms, with steeply sloping roofs to match the style of the original property, matching materials and sympathetic fenestration. Although large, I find that the extension would not cause harm to the character and appearance of the host dwelling, thereby conforming to the requirements of RA3(ii) and the second limb of the relevant part of SADM34. However, my findings in that respect do not alter my conclusion that the proposal would amount to a disproportionate addition over and above the size of the original building.
16. The appellant also contends that the proposal should be considered as limited infilling within a village under paragraph 149(e) of the Framework and policy SADM34 of the ELP. There is no definition of what constitutes a village or what amounts to limited infilling within the Framework or the development plan. In planning policy terms, the site is located within the countryside, outside of the defined boundary of any settlement. However, the planning policy designation is not necessarily decisive and it is common for 'villages' to be located in the countryside and washed over by the Green Belt in planning policy terms.
17. Notwithstanding that, I have reservations as to whether the site could be said to fall within a village. The dwelling sits within a predominantly residential area

which straddles the A1 to the north-east of Welwyn, the closest settlement. There is a physical and visual sense of separation from Welwyn due to the intervening land associated with Danesbury Park. Moreover, Welwyn, which is distinct from Welwyn Garden City, is a sizeable settlement more akin to a small town as opposed to a village on account of the scale of the place and the range of shops and services including various retail outlets, a library, a civic centre, fire station, hospital, school, sports facilities and numerous public houses. Thus, even if the site was considered to fall within the settlement, it would not be within a village in my view.

18. Moreover, infilling is often described in planning terms as the development of a small gap in an otherwise built-up frontage. The appellant contends that description should be considered cautiously because it seeks to impose a definition where none is set out within the Framework. However, it is necessary to apply some rationale to the matter in order to understand the meaning of the term. The ordinary meaning of the word infill implies filling in a space between two pre-existing things, or buildings as would commonly be the case in planning terms.
19. The proposal in this case would not fill in a gap between buildings because the existing dwelling is already in situ – there is no obvious gap in the street frontage to fill. Rather, the clear aim of the proposal is to expand the size of the building to make it larger. In my view that is clearly an extension falling under paragraph 149(c) of the Framework, as opposed to infilling under 149(e).
20. In view of the above, whilst there would be no harm to the character of the dwelling or the surrounding area, the proposal amounts to a disproportionate addition to the original building, when taken cumulatively with previous additions on account of its size, bulk and volume. It does not constitute limited infilling within a village and therefore amounts to inappropriate development within the Green Belt, contrary to the aims of saved policy RA3 of the Local Plan and SADM34 of the ELP in that respect.

Effect on the Openness of the Green Belt

21. The effect on openness can have a visual and spatial dimension. In visual terms the area has a suburban feel, made up of detached properties in substantial plots set either side of the carriageway. The result is that the proposals would not be viewed beyond the immediate environs due to the location of surrounding buildings and vegetation. The majority of the extension would also be set to the rear and would not be visible from the public realm. As such, the overall visual impact on the openness of the Green Belt would be limited.
22. There would be a modest physical impact due to the fact that the extended property would be notably larger and the works would extend into space, particularly at first floor level, that was previously free from development. The increase in bulk and volume would therefore have a negative effect on openness in a physical sense, albeit to a small degree in the context of the Green Belt as a whole. Nonetheless, although the impact would be small, the proposal would adversely effect openness, contrary to one of the fundamental aims of the Green Belt, as set out at paragraph 137 of the Framework.

Conclusion

23. For the reasons given above the proposal would amount to inappropriate development within the Green Belt and would also lead to a small but harmful effect on the openness of the Green Belt. It is contrary to the relevant policies of the development plan in that respect and to policy SADM34 of the ELP. I am required to attach substantial weight to any harm to the Green Belt.
24. Whilst I am satisfied that the proposal would not be harmful in terms of its effect on the character and appearance of the dwelling or the surrounding area that does not outweigh the harm identified. In the absence of very special circumstances there are no grounds to make a decision other than in accordance with the development plan and it follows that the appeal should be dismissed.

Chris Preston

INSPECTOR