



Appeal Decisions

Site visit made on 27 June 2023

by C Harding BA(Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 July 2023

Appeal A Ref: APP/C1950/D/22/3303852

7 Swanland Road, North Mymms, Hatfield, Hertfordshire AL9 7TG

- 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 Erhan Binbay against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2022/1138/HOUSE, dated 26 May 2022, was refused by notice dated 12 July 2022.
 - The development proposed is described as "loft conversion with rear dormer and front skylights, Juliet balcony and change of roof profile. Ground floor windows and bi-folding door".
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Appeal B Ref: APP/C1950/D/22/3299572

7 Swanland Road, North Mymms, Hatfield, Hertfordshire AL9 7TG

- 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 Erhan Binbay against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2022/0686/HOUSE, dated 22 March 2022, was refused by notice dated 18 May 2022.
 - The development proposed is described as "erection of the garage".
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As set out above, there are two appeals on this site, and both relate to alterations at the appeal property. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. The Council has referred to policies within the Welwyn Hatfield Borough Council Draft Local Plan (DWHL) and I understand that this plan has not yet reached the adoption stage. Therefore, these policies cannot, at this stage, be afforded substantial weight as material considerations.

Main Issues

5. The main issues in regard to both appeals are:

- whether the developments 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 developments on the openness of the Green Belt, 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 proposals.

Reasons

Whether inappropriate development

6. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state 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. One such exception 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.
7. The Council states that original building had an overall floorspace of around 76 square metres (sqm), and that when considered alongside previous additions, that the total floor area following the implementation of Appeal A would be 255sqm, and 243sqm following the implementation of Appeal B. Although the appellant has disputed these figures, I have been presented with no evidence in the form of alternative figures in order to substantiate this position. I have therefore used the Council's figures in my reasoning.
8. No definition of what may amount to a disproportionate addition is provided within the Framework or the development plan. Nevertheless, taking account of the extent of previous extensions to the building, I consider that the developments proposed in both appeals, taken both individually, and together would amount to substantial additions to the size of the original building, leading to a building of significant increased size in comparison to its original form. I find that the level of increase in size would be disproportionate in both cases.
9. Consequently, the proposals in both appeals would be inappropriate development in the Green Belt which is, by definition, harmful. They would therefore conflict with Welwyn Hatfield District Plan (WHDP) Policies GSBP1 and RA3, as well as emerging DWHL Policy SADM34 and the provisions of the Framework. Together these define the Green Belt and set out that extensions to existing dwellings in the Green Belt will only be permitted where they individually or when considered with existing or approved extensions, would not result in a disproportionate increase in the size of the dwelling.

Openness

10. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The developments proposed in both appeals would increase

the size of the existing building. The Appeal A proposal would increase the volume, and therefore bulk of the roof structure, if not the overall footprint of the building. It would therefore lead to a noticeable increase in the size of the appeal property. Despite the level of vegetation around the appeal property, and the lack of wider public views of the rear of the property, it would lead to the harmful loss of openness which is currently afforded by the hipped roof design, between the appeal property and those neighbouring it.

11. Furthermore, although the Appeal B proposal would infill an existing recess within the front elevation of the appeal property, it would nevertheless increase the size of the building overall and would reduce the visual articulation of the front elevation. It would therefore also lead to a loss of openness, albeit this would be limited given the scale of the proposal.
12. This harmful loss of openness would lead to conflict with WHDP Policy RA3 and DWHL Policy SADM3 which state that planning applications in the Green Belt will be considered in line with the provisions of the Framework, and Paragraph 137 of the Framework states that the fundamental aim of the Green Belt is to keep land permanently open.

Other considerations

13. It is not disputed between the main parties that the proposals would not harm the character and appearance of the area. Furthermore, the effect of the proposals upon the living conditions of the occupiers of neighbouring properties, and any effects upon parking provision are also not matters of dispute. However, even if I were to agree that the proposals were acceptable in these respects, these would be only neutral factors which would not weigh in favour of the schemes.
14. The appellant has highlighted that the following the implementation of the proposals, that the appeal property would be of a similar scale to other nearby properties, which have also been previously extended. However, my attention has not been drawn to specific examples of previous approvals or details provided. In any event, the consideration of any such examples would have been based on the specific circumstances of each case, which are unlikely to be directly comparable to the circumstances of the appeal which is before me, and I therefore afford this only limited weight.
15. I acknowledge that the proposals would allow the appellant to provide additional family living accommodation, however I have been provided with no substantive evidence with regard to any personal circumstances which would lead me to conclude that this need could not be met by other means. Accordingly, I afford this only very minor weight in my considerations.
16. It is indicated that the proposal would use energy efficient materials. Given the scale of the proposals, and the limited detail that has been provided with regard to the specification of the proposed materials, I afford this minimal weight in favour of the schemes.

Conclusion

17. In summary, the proposals in both appeals would be inappropriate development in the Green Belt in the terms set out by the Framework. Although the proposals would have varying degrees of harm in respect of their effect on the openness of the Green Belt, both would nevertheless lead to harm in this respect. The

Framework requires that substantial weight should be given to any harm to the Green Belt.

18. For the reasons set out, the harm to the Green Belt would not be clearly outweighed by the other considerations and therefore the very special circumstances required to justify the grant of planning permission have not been demonstrated. The proposed developments would be contrary to WHDP Policies GSBP1, RA3 and DWHL Policy SADM34, the requirements of which I have set out above, and there are no other material considerations that indicate decisions should be taken other than in accordance with the development plan.
19. Consequently, I conclude that both Appeal A and Appeal B should be dismissed.

C Harding

INSPECTOR