



Appeal Decision

Site visit made on 1 August 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2023

Appeal Ref: APP/A1910/D/22/3313973

Lower Farm End, Luton Road, Markyate, Hertfordshire AL3 8PZ

- 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 Toby Wright against the decision of Dacorum Borough Council.
 - The application Ref 22/01347/FHA, dated 19 June 2022, was refused by notice dated 10 October 2022.
 - The development proposed is a replacement roof extension.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Mr Toby Wright against Dacorum Borough Council. This is the subject of a separate decision.

Main Issues

3. The main issues relevant to this appeal are:
 - whether the proposed development is inappropriate in the Green Belt;
 - the effects of the development upon the openness of the Green Belt; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

4. The appeal site is located in the Green Belt. In considering this appeal, I have been directed towards Policy CS5 of the Dacorum Core Strategy (2013) (the Core Strategy). Amongst other matters, this seeks to ensure that small-scale developments will be permitted in the Green Belt, such as limited extensions to existing buildings. In addition, the National Planning Policy Framework (the Framework) regards the erection of new buildings in the Green Belt as generally being inappropriate. There are some exceptions to this which are listed in paragraph 149 of the Framework.
5. The proposed development can be described as the extension of an existing dwelling. The Framework is clear that the extension or alteration of a building

- might not be inappropriate, provided that it does not result in disproportionate additions over and above the size of the original building.
6. In this instance, the evidence before me indicates that the original building is the bungalow as currently constructed. This building has a relatively limited footprint, in addition to relatively low roof ridge and eaves heights. The proposed development would result in an increase in the height of the dwelling in order to create larger rooms in the roof. The development would also include the creation of new dormer windows.
 7. Although the proposed development would not result in an increase in the footprint of the dwelling. However, this is not the only means by which the size of an extension can be assessed. In this case, the proposed development would result in a significantly larger dwelling. This is because, as part of the development, there would be a notable increase in the height of the eaves and the overall height of the dwelling.
 8. In addition, the proposed development would also include the insertion of two, large, dormers on two different elevations of the proposed development. These would have a height comparable to the overall height of the proposed development. This means that the development would create a dwelling that would result in a significantly greater height, mass and bulk than the existing dwelling. The proposed development would therefore result in the creation of a disproportionate addition.
 9. My attention has been drawn to Policy 22 of the Dacorum Borough Local Plan. Although not cited in the Council's reason for refusal, this policy suggests that a 30% increase in the floorspace of a dwelling. Although the proposed development might not result in an increase in excess of this figure, this is only one of the factors that must be assessed under this policy.
 10. Therefore, the fact that the floorspace increase may not be in excess of the prescribed figure, it does not mean that the policy has been complied with. Therefore, given that the proposed extension would not be compact, this policy has been breached. In addition, this is only one of the considerations to which I have been directed.
 11. Therefore, irrespective of whether an existing outbuilding should be counted as an extension of the original dwelling, the proposed development would be a disproportionate addition to the original building.
 12. In considering this appeal, I have been directed towards the provisions of class AA of the General Permitted Development Order (the GPDO). This allows for the erection of additional stories on domestic dwellings. However, from the evidence before me, it is clear that for this provision to be enacted, it is necessary to first apply to the relevant local planning authority for a form of approval.
 13. It is not clear from the evidence that has been submitted that if an extension were to be proposed under the provisions of Class A of the GPDO that such permission would be forthcoming. In result, I cannot be certain that an extension would be constructed under this mechanism. This means that I can only give it a limited amount of weight and it does not overcome my previous concerns.

14. I therefore conclude that the proposal would be an inappropriate development within the Green Belt. The development, in this regard, would conflict with Policy CS5 of the Core Strategy and the Framework.

Effect on openness

15. The appeal site consists of a domestic dwelling surrounded by a relatively large garden. There are several mature trees near to the front and side boundaries of the appeal site. The wider area is predominantly rural in nature. In consequence, the appeal site and surrounding area has an open and more verdant character.
16. The proposed developments would result in a notable increase in the overall level of built form. This would comprise the increase in floor space in addition to the greater height and massing of the new dwelling. In result of this, the proposed development would result in an erosion of the spatial sense of openness that is an intrinsic feature of the Green Belt.
17. In addition, the proposed development would be visible from some vantage points to the rear of the site. In addition, there would be some limited and glimpsed views from the highway. This means that the development would also erode the visual sense of openness in the Green Belt. In addition, the appeal site is currently screened by planting and trees. This reduces the level of prominence of the appeal site.
18. However, should some of these trees and planting be removed such as through ill-health, the development would become more prominent. This would lead to a further erosion of the visual sense of the openness of the Green Belt. In result, the proposed development has the potential to be experienced by a notable number of people. Therefore, the proposal would result in an erosion of the visual sense of the Green Belt's openness.
19. In result, the proposed development would create a more urbanising form of development which would conflict with the general purposes of including land within the Green Belt given that it would erode the predominantly open character of the vicinity of the appeal site.
20. These adverse effects would occur even though the appellant's dwelling and other buildings in the surrounding area feature some space in between them.
21. I therefore conclude that the proposed development would have an adverse effect upon the Green Belt sense of openness. The development, in this regard, would conflict with Policy CS5 of the Core Strategy and the Framework. Amongst other matters, these seek to ensure that developments protect the openness and character of the Green Belt.

Other considerations

22. The proposed development would result in an enlarged dwelling. This would therefore result in improved living conditions for the occupiers of the dwelling, including their family. However, it has not been demonstrated that there is a significant need that would render the provision of a larger dwelling a necessity in this specific location. In result, I can only give this a limited amount of weight.

23. The proposed development would generate some economic benefits arising from the construction process. However, by reason of the scale of the development, these benefits are likely to be relatively small-scale in impact. Furthermore, some of these are also likely to be of a time-limited duration. In consequence, this matter can also only be given a limited amount of weight.

Other Matters

24. Concerns regarding the manner in which the Council determined the planning application fall outside of the scope of this decision.

Planning Balance

25. The development plan and Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
26. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. In so doing I have found harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
27. The other considerations I have identified individually and collectively carry a limited amount of weight in favour of the proposal. As such the harm to the Green Belt is not clearly outweighed by the other considerations identified, and therefore the very special circumstances necessary to justify the development do not exist.

Conclusion

28. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the Framework, which indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR