



Appeal Decision

Site visit made on 27 September 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th October 2023

Appeal Ref: APP/B1930/D/23/3319428

3 Sovereign Park, St Albans, Hertfordshire AL4 0FJ

- 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 Tawfik against the decision of St Albans City Council.
 - The application Ref 5/22/2463, dated 7 October 2022, was refused by notice dated 31 January 2023.
 - The development proposed is a loft conversion with rear dormer window and front rooflight. Installation of solar panels to front roof.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of development from the Council's decision notice as this more accurately describes the appeal proposal. This is also consistent with the appeal form.

Main Issues

3. The main issues in this appeal 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;
 - The effect of the proposal on the character and appearance of the area with particular regard to the proposed dormer window;
 - Whether any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

4. The appeal site lies within the Green Belt. Paragraph 149 of the Framework sets out that the construction of new buildings within the Green Belt is inappropriate development, which is by definition harmful. However, there are several exceptions set out in paragraph 149, one of which relates to the extension or alteration of a building. This applies on the proviso that the development would not result in disproportionate additions over and above the size of the original building.

5. Policy 1 of the St. Albans District Local Plan Review 1994 (the Local Plan) sets out the extent of the Green Belt and identifies certain types of development which would be acceptable. However, it does not recognise the full extent of exceptions to inappropriate development detailed in paragraph 149. Thus, it is not fully consistent with the Framework. However, Local Plan Policy 13 goes on to state that extensions to houses in the Green Belt including garages or outbuildings may be permitted unless the scale or visual impact upon the original building would create a building of significantly larger or different character. This broadly conforms to the national Green Belt policy objectives.
6. The Framework does not define what is meant by a 'disproportionate additions' beyond a comparison between the original building, any built extensions, and the extent of what is proposed. However, the Council's Supplementary Planning Guidance on Residential Extensions and Replacement Dwellings in the Green Belt 2004 (the SPG) sets out several criteria for assessing extensions to properties in the Green Belt, which include size parameters (volume and floorspace), visual bulk and the visibility of the proposal from public viewpoints. Although the SPG pre-dates the Framework and has not been updated to reflect changes in living and working practices, it is nevertheless useful for assessing whether the proposal would be disproportionate.
7. The Council's delegated report indicates that the existing single storey rear extension resulted in an additional 47.69m² of floorspace and 133.10m³ of cubic content over and above the size of the original building. The proposed loft conversion would provide an additional floor within the dwelling which would measure some 50.79m². The additional cubic volume would be 34.19m³. These measurements are undisputed by the appellant.
8. Based upon the above, and even if I were to include the original detached garage for the purposes of the calculations and agreed that the proposal would be classed as an 'other extension', the proposal together with the extent of the previous extension would cumulatively result in a significantly larger building. Consequently, the proposal would represent a disproportionate addition over and above the original building. For these reasons, I find that the proposed development would amount to inappropriate development in the Green Belt. It would therefore conflict with Policy 13 of the Local Plan and paragraph 149 of the Framework.

Openness

9. The Framework makes it clear that an essential characteristic of Green Belts is their openness. This can be perceived both visually and spatially. The appeal proposal would increase the volume and visual bulk of the existing building. In doing so, it would result in the loss of openness which would be visible from the estate road and neighbouring properties. Whilst the loss would be relatively limited, together with the previous extension, it would nevertheless be material. Consequently, the proposed development would cause harm to the openness of the Green Belt contrary to the protection aims of the Framework.

Character and appearance

10. The appeal site lies within a relatively modern residential estate and is occupied by a detached, two storey dwelling. The surrounding area is characterised by a mix of house types and building densities. There is however a degree of uniformity and architectural cohesion derived from the overall scale, roof forms

and the external finish of the properties. That said, I observed at my site visit that several properties within the surrounding area have been altered and extended, including the introduction of dormer windows. Therefore, whilst the largely uninterrupted roofscape contributes to the uniform appearance, dormer windows are not uncharacteristic of the estate.

11. The proposed dormer window would extend nearly the full width of the appeal property, it would be positioned above the eaves and inset from either side. As such, it would not dominate the roof plane. Further, whilst the proposal would be visible from the estate road, given the relatively discrete location of the appeal property at the end of the row, its orientation relative to the road and existing vegetation, the proposed dormer would not be unduly prominent within the street scene. Accordingly, I find that the proposed dormer window would not read as a visually intrusive or incongruous form of development.
12. In coming to this view, I have had regard to the recent appeal decision¹. Whilst the Inspector indicated that the removal of the condition could potentially allow for a dormer to be erected without requiring permission, the decision is not indicative that a dormer extension would be unacceptable in this location. Based upon the plans before me, I am satisfied that the design and scale of the proposal would not detract from the general uniformity of the area and therefore would not harm its character and appearance.
13. Accordingly, I find that the proposal would not adversely affect the character and appearance of the area with particular regard to the proposed dormer window. It would therefore accord with Policy 69 and Policy 72 of the Local Plan where they seek to ensure that proposals relate to the domestic scale, character and appearance of the street scene and are compatible with the architectural style of the original building. It would also be consistent with the design objectives of the Framework.

Other Considerations

14. Notwithstanding the recommended Green Belt boundary adjustments as set out within the Green Belt Review, it is understood that the St Albans Local Plan 2018 was withdrawn. Therefore, in accordance with paragraph 48 of the Framework, very limited weight can be afforded to this.
15. My attention has been drawn to several developments within the surrounding area which the appellant contends are larger and more prominent than the appeal proposal and were consented in the Green Belt despite exceeding the SPG guidance. Whilst having had regard to the floorspace and volume measurements provided together with the case officer report extracts, I do not have the individual circumstances of each case before me. Therefore, the Council's decisions on the identified schemes do not persuade me that the appeal development would accord with Green Belt policy or that the Council have determined proposals inconsistently. I therefore attribute this limited weight.
16. It has been put to me by the appellant that a development of this type could theoretically be erected in the Green Belt under permitted development (PD). However, the PD rights set out in the Town and Country Planning (General Permitted Development) Order 2015 (as amended) do not apply to the appeal

¹ APP/B1930/W/22/3298415

property and thus permission is required, nonetheless. Development proposals requiring permission need to be determined in accordance with the development plan unless material considerations indicate otherwise. This therefore carries limited weight.

17. The Council's decision notice does not allege any harm to highway safety or living conditions. I am also mindful that the Town Council did not object to the proposal. Nevertheless, these are neutral factors and therefore neither weigh for or against the proposal.

Green Belt Balance and Conclusion

18. The Framework identifies that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful. For the reasons outlined, the appeal proposal would constitute inappropriate development in the Green Belt, which carries substantial weight. As well as harm by reason of inappropriateness, the proposal would cause a harmful loss of openness, thereby adversely impacting on one of the essential characteristics of the Green Belt. I attribute moderate weight to the harm caused in this respect.
19. For the reasons set out above, the harm to the Green Belt would not be clearly outweighed by the other considerations and, therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated. Consequently, the appeal is dismissed.

H Wilkinson

INSPECTOR