



Appeal Decision

Site visit made on 10 October 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/P1940/D/23/3314390

3 The Briars, Sarratt, Hertfordshire WD3 6AU

- 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 Vas Chirita against the decision of Three Rivers District Council.
 - The application Ref 22/1476/FUL, dated 2 August 2022, was refused by notice dated 17 October 2022.
 - The development proposed is first floor side extension, ground floor single storey rear/side extension, internal alterations to the main house and replacement of the garage with one to match on an extended footprint.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development cited in the application form differs from that on the decision notice and appeal form. There is no evidence that the change was formally agreed. Therefore, the description of the proposal within the banner above has been taken from the application form.

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, and the effect of the development on the openness of the Green Belt;
 - the effect of the development on the character and appearance of the area; and, if the proposal is found to be inappropriate development;
 - 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 required to justify the development.

Reasons

Green Belt

4. The appeal site is within the Green Belt. Paragraph 147 of the Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
5. Framework paragraph 149 says that the construction of new buildings in the Green Belt should be regarded as inappropriate unless the development meets

one of a number of stated exceptions. One such exception, in paragraph 149 (c), is for 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.

6. Policy CP11 of the Three Rivers District Council Local Development Framework Core Strategy dated 2011 (the core strategy) states that there will be 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 Council Development Management Policies Local Development Document dated 2013 (the local development document) sets out that the construction of new buildings in the Green Belt is inappropriate, unless certain exceptions are met. These policies are broadly consistent with the Framework where it seeks to protect Green Belt land.
7. What is disproportionate in the context of extensions to buildings in the Green Belt, is not defined within development plan policies CP11 or DM2, or the Framework. Therefore, the assessment of whether the proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgment.
8. The Three Rivers District Council Extensions to Dwellings in the Green Belt Supplementary Planning Guidance No.3 document dated August 2003 (the SPG), predates the development plan. Notwithstanding this, it continues to provide useful guidance on extensions in the Green Belt. It indicates that extensions resulting in a cumulative increase in floorspace of over 40% compared with the original dwelling will normally be unacceptable.
9. If implemented, the replacement garage/gym and store would have a taller ridge height and steeper pitch than that which it would replace. Given the proposed enlargement of this part of the building, it is appropriate and reasonable to include the mezzanine within the proposed floorspace calculations. In so doing, the evidence indicates that the implementation of the development proposals would result in a cumulative increase in the floor space of the original dwelling, which albeit by a limited amount, would exceed 40%.
10. The proposals also include single and 2-storey extensions to the side and rear of the house. Although the 2-storey side extension would appear as a continuum of the part of the house it would adjoin, given its location, height, and massing, this element, in particular, would significantly increase the overall scale of the house.
11. Taken together and in combination with the previous extension, the development proposals amount to substantial additions to the property, which I find to be disproportionate over and above the size of the original building. As such, the appeal proposal would be inappropriate development in the Green Belt, which is by definition, harmful. Accordingly, the proposed development should not be approved except where very special circumstances exist.

Openness

12. Openness is an essential characteristic of the Green Belt. It can be considered both spatially and visually. From neighbouring properties and the nearby public realm, the house and garage within the appeal site are highly visible. So

is the gap between the house subject of this appeal and the neighbouring house at number 4 the Briars. The gap between the buildings contributes to the openness of this part of the Green Belt. The proposed 2-storey side addition would extend closer to the shared boundary between these properties, and as such, both visually and spatially, openness would be harmfully reduced.

13. Even if the small increase in the size of the garage would not result in a reduction of the openness of the Green Belt, this element forms part of a wider scheme. It cannot therefore be considered in isolation.
14. For the reasons given, the development would be harmful to the openness of the Green Belt. Albeit the scale of the proposal means that this harm would be limited, substantial weight is attributed to this harm to the Green Belt.
15. Consequently, and in respect of this main issue, the development would conflict with policies CP11 of the Core Strategy and DM2 of the local development document, as well as the associated policies of the Framework.

Character and appearance

16. In common with other properties on the cul-de-sac known as the Briars, the appeal site contains a good-sized house that is set well back from the road, and which is within a sizable and spacious plot. The high-quality and spaciousness of the built environment as well as the verdancy of this part of the village, positively inform the character and appearance of the area.
17. The implementation of the proposals would result in built development occupying the majority of the width of the plot. In this respect, it would be similar to that of several other properties within the Briars.
18. The development would result in a smaller gap between the 2-storey elements of the houses at numbers 3 and 4 the Briars than is typical within the cul-de-sac. Notwithstanding this, the resultant gap would be of similar width to that between the 2-storey elements of the houses at numbers 2 and 3 the Briars, and as such it would not appear cramped.
19. The 2-storey side extension would be visible from within the nearby public realm and some of the neighbouring properties. However, it would be set well back from the outside bend in the road, and back from the house at number 2. Furthermore, the trees within the front garden would interrupt views of the extension from within the public realm. As such, the side extension would not be visually prominent and it would not detract from the quality and distinctiveness of the local street scene.
20. For the reasons given, the development would not be harmful to the character and appearance of the area. Consequently, and in respect of this main issue, it would comply with policies CP1, and CP12 of the core strategy, and policy DM1 and Appendix 2 of the local development document. In part, these seek to ensure that new development is of a high standard of design that respects local distinctiveness; conserves the qualities of an area; and would not lead to a gradual deterioration in the quality of the built environment.

Other considerations

21. Even if the garage needs to be re-built because the foundations are affecting the structural integrity of the walls, this does not justify a larger development which would be harmful to the Green Belt.
22. That the scheme would help to improve the energy efficiency of the building is a benefit. However, given that the proposals relate to extensions and alterations to a single dwellinghouse, only limited weight can be attributed to this matter.
23. Whilst the evidence indicates that the development would not be harmful to the living conditions of occupiers of neighbouring properties, this is a neutral consideration.
24. The evidence indicates that the permission granted pursuant to application reference 20/1338/ful, followed a series of historic permissions for extensions to the property at 13 the Briars. However, insufficient evidence has been provided with regard to these earlier permissions to enable me to understand the basis upon which these were authorised, or to make meaningful comparisons with the development subject of this appeal.
25. The delegated report for application reference 20/1338/ful indicates that the works then proposed included alterations to the existing garage building and the construction of a small and low flat-roofed link between the garage and the host dwelling. However, from the evidence, it is clear that the nature and extent of that scheme was materially different from the proposals subject of this appeal which include a 2-storey side extension. As such the schemes are not directly comparable.

Conclusion

26. Substantial weight is accorded to the harm that would be caused to the Green Belt. Although I have found that no harm would be caused in respect of the character and appearance of the area, this is a neutral consideration.
27. The other considerations in this appeal do not clearly outweigh the harm by reason of inappropriateness and any other harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
28. Overall, and for the reasons given above, the proposal conflicts with the development plan when taken as a whole. There are no material considerations, either individually or in combination that outweigh the identified harm and associated development plan conflict.
29. I therefore conclude that this appeal should be dismissed.

V Simpson

INSPECTOR