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## Appeal Decision

Site visit made on 3 October 2023 by Thomas Courtney BA(Hons) MA MRTPI

**Decision by K Savage BA(Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 November 2023**

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**Appeal Ref: APP/B1930/D/23/3321724**

**2 Ivory Close, St Albans, Hertfordshire AL4 0GU**

- 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 Mrs S Poulter against the decision of St Albans City & District Council.
  - The application Ref 5/23/0220, dated 31 January 2023, was refused by notice dated 12 April 2023.
  - The development proposed is a two storey rear and side extension with front porch.
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### Decision

1. The appeal is allowed and planning permission is granted for a two storey rear and side extension with front porch at 2 Ivory Close, St Albans, Hertfordshire AL4 0GU in accordance with the terms of the application Ref 5/23/0220, dated 31 January 2023, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AL/01 (Existing Plans & Elevations); AL/02 (Proposed Plans & Elevations).
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

3. The main issue is whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy.

### Reasons for the Recommendation

4. The appeal property comprises of a two-storey detached dwelling located on a cul-de-sac within an established residential area in the Green Belt. The property features a large, pitched roof front gable and a conservatory attached to its eastern flank elevation. A tall mature tree sits within the rear garden
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which is observable from Ivory Close and other public vantage points in the vicinity of the site.

5. The Framework outlines the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework, at paragraphs 149 and 150, sets out the categories of development which may be regarded as not inappropriate in the Green Belt.
6. Paragraph 149(c) sets out that new buildings within the Green Belt are inappropriate unless any extension or alteration of a building is such that it does not result in disproportionate additions over and above the size of the original building, which means the dwelling as originally built or as the building existed on 1 July 1948 (whichever is the later).
7. The officer report indicates that the proposal would result in an increase in floorspace of 41% compared with the original dwelling and a resultant cumulative volume of around 164 cubic metres. The appellant, however, states that the increase in floorspace over the original dwelling would amount to 40%.
8. The Framework does not define what would be classed as a disproportionate addition, but size can refer to factors such as volume, height, external dimensions, footprint, floorspace or visual perception. The Council's *Residential Extensions and Replacement Dwellings in the Green Belt* Supplementary Planning Guidance (May 2004) (SPG) states that extensions which increase floorspace between 20% and 40% over the original dwelling can be acceptable.
9. In this case, the increase in footprint and overall scale and massing of development over the original building would be moderate. Whilst the Council states that the increase in floorspace would be in excess of the maximum enlargement figures contained within the SPG, this would only be by a minimal amount of, at most, 1%. The overall increase in volume would also fall within the 90-180 cubic metres range set out under the SPG.
10. The main two-storey side extension is sensitively designed and would be visually subservient to the existing property owing to the fact that it would be set lower than the main ridge of the house and would be set back from the front elevation. The proposed width would also not appear excessive given the space available to the side of the dwelling. In my view, the additional built form and volume of development would not result in significantly greater visual bulk. I therefore find that the scale of the proposed development would not be disproportionate.
11. I note that a previous scheme for two storey side and single storey front extensions was refused and subsequently dismissed at appeal in 2022<sup>1</sup>. The Inspector in that case highlighted the importance of open spaces between dwellings in this location, forming a transitional space from more built-up areas to rural areas beyond. The Inspector considered that the scale of the proposed side extensions in the previous scheme were disproportionate and would have eroded the sense of openness. The proposal before me is significantly smaller in scale when compared to the previous scheme given its lower height and recessed position relative to the principal front elevation. Views of the tree in the rear garden would also be maintained in this case.

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<sup>1</sup> Application Ref 5/2021/3014 and Appeal Ref APP/B1930/D/22/3301496.

12. For these reasons, the proposal would accord with the exemption at Paragraph 149(c). Consequently, the proposal would not be inappropriate development in the Green Belt and it would not conflict with the Framework or the general aims of Policies 1 and 13 of the St Albans District Local Plan Review 1994 and the SPG to preserve the Green Belt from inappropriate development.
13. With respect to openness and the purposes of the Green Belt, given my findings that the proposal would not be inappropriate development, the proposal would, by definition, not have an adverse impact on the openness of the Green Belt or the purposes of including land within it.
14. As the proposal does not amount to inappropriate development, there is no requirement to assess if there are other considerations that amount to very special circumstances needed to justify the development.

### **Other Matters**

15. The Council did not refuse permission in respect of the effect of the proposal on the character and appearance of the area. Whilst indicated to be in the Green Belt, the site is located centrally within a large suburban housing estate. The extension would relate well in height and position to the main dwelling, with adequate space retained to the neighbouring dwellings. The extensions would therefore appear as subservient additions matching in form and materials, which would maintain the character of the host dwelling and the suburban form and layout of the wider estate.
16. No objection was raised by the Council in respect of the effect on neighbours' living conditions or highway safety, and having seen and considered the site context, I have no reasons to conclude otherwise.

### **Recommendation**

17. For the reasons given above and having had regard to all other matters raised, I conclude the proposal would accord with the development plan and the Framework, and there are no material considerations which suggest permission should nevertheless be withheld.
18. Therefore, I recommend that the appeal should be allowed, subject to conditions setting out the approved plans, to provide certainty, and requiring development to be undertaken in materials to match the existing dwelling, to ensure a satisfactory appearance.

*Thomas Courtney*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

19. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is allowed.

*K Savage*

INSPECTOR