



Appeal Decision

Site visit made on 05 December 2023

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th December 2023

Appeal Ref: APP/P1940/D/23/3320056

27 Harthall Lane, Kings Langley, Hertfordshire WD4 8JW

- 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 Lee Eldridge against the decision of Three Rivers District Council.
 - The application Ref 22/2374/FUL, dated 23 December 2022, was refused by notice dated 28 February 2023.
 - The development proposed is single storey side and rear extensions, garage conversion, alterations to fenestration and the extension and alteration to the existing roof form to adjoin the roof of the side extensions to the roof of the main dwelling and associated landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the decision notice as this more accurately reflects the development following the submission of amended plans during the course of the planning application.

Main Issues

3. The main issues are:
 - whether or not the proposal is inappropriate development in the Green Belt;
 - the effect on the openness of the Green Belt; and
 - if the development is inappropriate, its effect on openness and 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 proposal.

Reasons

Whether inappropriate development

4. The appeal site comprises a dwelling which is situated in the Green Belt. The National Planning Policy Framework (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.

5. Policy CP11 of the Three Rivers District Council Core Strategy (CS) (2011) has 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 Development Management Policies Local Development Document (TRDMP) (2013) and the Framework both set out that new buildings are inappropriate subject to certain exemptions, one of which relates to extensions to buildings that are not disproportionate additions over and above the size of the original building.
6. The proposal includes the extension of an existing dwelling. Neither the Framework or the local plan define what it means by disproportionate. The Council make reference to Supplementary Planning Guidance (SPG) which stated that extensions resulting in a cumulative increase in floor space of over 40% compared with the original dwelling may be disproportionate, however the Council acknowledge that this SPG is of limited weight and neither party has provided me a copy of the SPG. Therefore, an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.
7. The proposal would involve single storey side and rear extensions. These extensions would substantially increase the floor space of the original building. Indeed, it is not disputed that the effect of the appeal proposal would take the new floorspace to about 116% of the original floor area. Therefore, I can only conclude that the proposed extensions would result in disproportionate additions over and above the size of the original building and would therefore conflict with TRDMP Policy DM2 and would not be an exception under Paragraph 149 of the Framework. Accordingly, the proposal would be inappropriate development in the Green Belt.

Openness

8. 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. Openness in terms of the Green Belt has a spatial aspect and a visual aspect. The openness of the area is established by the spaces around the buildings, and the predominately open countryside which borders the appeal site to the north.
9. The proposal would not increase the height of the appeal property and the extensions would be seen in the context of existing residential development. Nonetheless, it would add increased bulk and massing to the dwelling which would appear perceptibly wider than the existing building. When compared with the more modest proportions of the existing dwelling, the proposed extensions would have a greater visual impact on the openness of the Green Belt. Consequently, the extended dwelling would become more prominent within its setting. Given the sloping nature of the site this would be particularly perceptible in views from the road and surrounding area, with some limited views from the open countryside to the north.
10. Therefore, the proposal would result in a loss of openness of the Green Belt, in conflict with paragraph 137 of the Framework and is contrary to TRDMP Policy DM2 which seeks to protect the Green Belt. I give significant weight to that harm.

Other considerations

11. I have found that the proposal would be inappropriate development that would harm openness. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It advises that substantial weight should be given to any harm to the Green Belt and that very special circumstances 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.
12. The appellant has indicated that single storey side and rear extensions, which could be carried out under application reference 21/2387/FUL and householder permitted development rights as established by a Lawful Development Certificate (LDC) reference 22/0796/CLPD would have a similar impact upon the openness of the Green Belt. There is no dispute between the main parties that these consents could be implemented, although I have limited information about whether there would be an intention to build them if this appeal were dismissed. However, there would seem a greater than just theoretical possibility that these alternatives would take place.
13. The LDC grants consent for a single storey flat roof extension to the west side of the dwelling and the planning application grants permission for a single storey infill extension to the east side of the dwelling. In combination, these extensions are similar in width, are broadly similar in depth and have a similar plot coverage to the appeal proposal. However, the appeal proposal would introduce a roof to these extensions, which would increase their height and massing when compared to the existing flat roof permissions. By virtue of the increased massing of the roof, they would appear bulkier and more visually prominent when viewed from the road and the surrounding area, resulting in a greater impact upon the openness of the Green Belt than the existing permissions. Therefore, if the existing permissions were implemented, they would be less harmful to the openness of the Green Belt. Thus, the prospect that the less harmful, alternative schemes could be implemented does not weigh in favour of the current proposal.
14. Additionally, the appellant states that the appeal proposal would result in improvements to the appearance of the appeal property and the wider street scene when compared to the existing flat roof permissions. At my site visit I observed that Harthall Lane comprised a mixture of dwelling sizes, designs and roof forms. Given this variety in the surrounding area, the flat roof extensions approved under the existing permissions would not be harmful to the appearance of the appeal property or the wider street scene. Thus, whilst I acknowledge that the appeal proposal would result in a more unified and balanced design and would be carried out using a high standard of building materials, as the existing schemes would not result in any tangible harm to the appeal property or the wider street scene, any benefits arising from the design of the appeal proposal in favour of the appeal are limited.
15. The appeal proposal, when compared to the consented schemes, would result in a greater level of harm to the openness of the Green Belt. The Framework requires that substantial weight should be given to that harm. The limited benefits resulting from the design of the proposal do not outweigh the harm to the openness of the Green Belt. Therefore, they do not amount to very special circumstances.

16. My attention has also been drawn to other applications in the local area, which it is stated, are for a similar form of development¹ and applications in the district which, it is stated, have exceeded a cumulative increase in floor space of over 40% referred to by the Council. However, there are no details before me of these proposals to give substantial credence to.
17. I acknowledge that no objections were received in relation to the proposal from interested parties and that the Council found that the proposal would not result in harm to the living conditions of the occupiers of neighbouring properties. However, the absence of harm in these regards does not weigh in favour of the proposal. Therefore, this matter is neutral in the overall planning balance.
18. Similarly, whilst I acknowledge that the appeal proposal would not create any additional living space when compared to the existing consents, nonetheless, this does not weigh in favour of the proposal in the Green Belt balance.

Planning balance and Conclusion

19. The proposal would be inappropriate development in the terms set out by the Framework and would result in a harmful loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt.
20. For the reasons set out above, I give only limited weight to the material considerations in support of the proposal and conclude that, taken together, they do not clearly outweigh the harm the scheme would cause. Consequently, there are no very special circumstances necessary to justify inappropriate development in the Green Belt.
21. The proposal would result in conflict with the development plan, taken as a whole. Material considerations in this case, in particular the Framework, do not indicate that permission should nevertheless be forthcoming despite this conflict.
22. I therefore conclude that the appeal should be dismissed.

N Robinson

INSPECTOR

¹ 22/2237/PDT and 22/2155/PDT