



Appeal Decision

Site visit made on 14 November 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2023

Appeal Ref: APP/B1930/W/23/3322966

Stockingwood House, Pipers Lane, Harpenden, Hertfordshire AL5 1AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Trevor Diviney against St Albans City Council.
- The application Ref 5/2023/0667, is dated 27 March 2023.
- The development proposed is two storey extension above the existing single storey element to the west end of the property and roof extensions.

Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The appeal follows the Council's failure to determine the application within the prescribed period. However, the Council has indicated in its statement, that had the Council determined the application, it would have refused planning permission. The substance of the Council's statement has informed the main issues of the appeal.
3. I have also had regard, and in accordance with paragraph 30 of the National Planning Policy Framework (the Framework) to the Wheathampstead Neighbourhood Plan 2020-2035 (NP), made 12 July 2023, which the Council provided as part of its appeal submission.

Main Issues

4. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The appeal site is located 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. Paragraph 149 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless, amongst other things, are 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. The Framework defines original building as the building as it existed on 1 July 1948 or, if constructed after this date, as it was built originally.

6. The aims of policies 1 and 13 of the St Albans district plan¹ (LP) are broadly consistent with the aims of Green Belt policies within the Framework. The Council's SPG² provides guidance on what may represent disproportionate additions.
7. In accordance with the Framework and policies 1 and 13 of the LP, an assessment is required as to whether the size of the proposal would result in disproportionate additions over and above the size of the original building. The SPG sets out criteria for the proposal to be assessed against in order to establish an applicable threshold for the size of an extension.
8. There is disagreement between the main parties over the percentage increase of floor space from the original building that would result from the proposed development. The Council maintains there would be a 135% increase whereas the appellant says it would be a 96%. In both cases it is clear that the proposed development would result in a considerable increase in floor space. However, the SPG states that the overall increase in floor space is not the only element to consider, with the visual effect of the development to also be considered.
9. The SPG states that significantly raising the eaves or increasing the ridge height or bulk of a roof will normally be seen to create a building of different character. It also states that two storey side extensions can often have a detrimental impact on the openness of the Green Belt. The proposal includes both the raising of the ridge height and a two storey extension, both of which are significant in scale which alter the overall character and mass of the building.
10. The appeal site is set away from any public roads and therefore public views of the site are very limited. I have had regard to the appellant's Landscape Impact and Visual Assessment³ which finds that the proposal would not have a significant impact on the surrounding public viewpoints. However, views are possible from public rights of way and the overall increase in bulk, size and height would generally result in a greater impact on the wider landscape.
11. The appeal site is a large plot with only one dwelling nearby. Nonetheless, although the footprint of the building would not increase, the proposal would erode some of the open space surrounding the building as a result of the two storey extension and increase in ridge height and therefore reduce the general sense of openness

¹ St Albans district plan – City and District of St Albans District Local Plan Review Adopted 30 November 1994
Written Statement

² St Albans City and District Supplementary Planning Guidance – Residential Extensions and Replacement Dwellings in the Green Belt – May 2004

³ Landscape and Visual Appraisal Report on behalf of Benchmark Architects March 2023

12. Turning to the remaining criteria, which include as assessment against Policy 72 of the LP, while the proposal would result in a larger dwelling, the site context, combined with the general form and materials of the proposal matching the existing dwelling, it would be compatible with the existing design. While the overall character of the building would be altered, I find no conflict Policy 72 of the LP, which amongst other things seeks to ensure development relates to the character of the street.
13. The Council refer to conflict with Policy 69 of the LP which requires high quality design. However, I have found that the proposal would generally be compatible with the existing property's design and I therefore find no conflict with this Policy.
14. The appeal site does not benefit from any significant landscape features, is not located within a Conservation Area and is not a Listed Building.
15. When taken as a whole, the proposal performs moderately against the criteria set out within the SPG. As a result, figures at or towards the bottom of the range should be considered which would result in less than a 20% increase in floor space. The SPG states that each case should be considered on its own merits and some variance is allowed. However, the proposed increase of at least 96% would be significantly above this and I therefore consider the proposal would result in disproportionate additions to the original house.
16. Therefore, the exemption at paragraph 149 (c) of the Framework is not met. Accordingly, the appeal scheme would amount to inappropriate development in the Green Belt. As far as relevant, the proposal would be contrary to policies 1 and 13 of the LP as well as guidance contained within the SPG. I am required to attach substantial weight to this harm.

Openness

17. Paragraph 137 of the Framework sets out that the fundamental aim of Green Belt policy, which is to prevent urban sprawl by keeping land permanently open.
18. The overall footprint of the house would be unchanged. However, the proposed development, by reason of its scale and bulk, would result in an overall increase in the level of built form within the surrounding area. This effect would be exacerbated by the increased ridge height, other roof alterations and general bulk as a result of the two storey extension. The proposal would therefore erode the spatial sense of openness that is an intrinsic feature of the Green Belt.
19. Furthermore, having regard to the LVIA, albeit limited, the proposed development would be visible from various public vantage points. Therefore, the proposed development would also erode the physical sense of openness that is a feature of the Green Belt.
20. Consequently, the development would lead to a small but significant loss of Green Belt openness which attracts substantial weight against the proposal.

Other considerations

21. I note that the Council has granted planning permission for a single storey side extension and alterations to openings nearby the site, whereby the

development resulted in a 91% increase in floorspace. Although I have very limited details before me, from the description of development it would appear to be a lesser scale of the development such that it is not directly and I comparable to the proposal before me. In any event, I am not familiar with all of the circumstances of that case, and I am mindful that all planning applications must be determined on their individual merits.

22. The Council found that the proposal would provide acceptable living conditions for existing and neighbouring occupiers, would not result in a loss of trees and would not cause harm to highway safety. The absence of such harm is, though, neutral such that it does not weigh in favour of the scheme.
23. The Council refer to conflict with the relevant provisions of the NP. However, in respect of policies W8, W9 and W14, these seek to ensure that proposals are of high quality design, take account of local context and provides the provision of off-street car parking. I have found the general design of the proposal to be compatible with the host dwelling and the Council has found that there would be no loss in parking provision for which I have no reason to conclude against. I therefore find no conflict with policies W8, W9 and W14 of the NP.

Green Belt balance and conclusion

24. For the reasons set out in paragraphs 22 and 23, the matters that are said to weight in favour of the appeal scheme carry very limited weight compared to the identified harm bearing in mind the great importance that the Government attaches to Green Belts. Therefore, they do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify granting planning permission for development in the Green Belt do not exist.
25. In conclusion, the proposal conflicts with policies 1 and 13 of the LP and national policy set out in the Framework which seeks to protect the Green Belt. There are no other considerations that outweigh that conflict and for this reason the appeal is dismissed and planning permission is refused.

D Wilson

INSPECTOR