



Appeal Decision

Site visit made on 13 February 2024

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 7th March 2024

Appeal Ref: APP/B1930/D/23/3325151

86 Oaklands Lane, Smallford, St. Albans AL4 0HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Stewart King against the decision of St Albans City Council.
 - The application Ref is 5/2023/0367, dated 19 February 2023, was refused by notice dated 21 June 2023.
 - The development proposed is the demolition of existing rear dormer and rebuild of dormer in improved location.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. Two applications for costs in relation to this appeal have been made. The first was made by Mr Stewart King against St Albans City Council, while the second was made by St Albans City Council against Mr Stewart King. These applications are the subject of a separate decision.

Preliminary Matters

3. The Government published a revised version of the National Planning Policy Framework (the Framework) on 19 December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issues of this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework from the parties, and that no party would be disadvantaged by such a course of action.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to local and national policy;
 - the effect of the proposal on the openness of the Green Belt; and
 - whether any 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

5. Smallford is a rural village washed over by Green Belt. The immediate area is predominantly characterised by detached dormer bungalows set back from the road. The appeal site comprises a substantial dormer bungalow within a large verdant plot which backs onto open fields.
6. The appeal proposal would remove the existing rear dormer extension and replace it with a larger dormer that would extend to the rear and flank elevations.

Whether inappropriate development

7. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 154. These include 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 and limited infilling in villages. Policies 1, 13, 69 and 72 of the City and District of St Albans District Local Plan Review (November 1994) (LPR) broadly accord with the Framework in this regard.
8. The residential extensions and replacement dwellings in the Green Belt Supplementary Planning Guidance (May 2004) (SPG) provides additional guidance on what constitutes disproportionate additions with seven individual criteria to consider including but not limited to, size and type of extension, previous extensions and visibility from public viewpoints.
9. The proposed extension would, in combination with other recent extensions, increase the floor area by over 95% and volume by approximately 270 m³ when compared to the original building. The SPG indicates that other extensions, including roof extensions should generally be considerably smaller than the values attributed to side and rear extensions in Tables 1 and 2 of the SPG. Therefore, the proposed increases would be substantially in excess of the values suggested by the SPG as acceptable.
10. Moreover, although the eaves and ridge height would be maintained, the dwelling would appear as a two-storeys from the rear. Whilst there would only be limited public views from Oaklands Lane, the proposal would be readily visible from the footpath to the rear. It would dominate the original dwelling and alter its' existing character. In my view, it would constitute disproportionate additions for the purposes of paragraph 154 c) of the Framework.
11. The Framework and the LPR do not define 'limited infilling'. However, my attention has been drawn to a previous appeal decision¹ which suggests that the broad definition for infilling is the 'filling or closing of gaps in a row of buildings, and the use of vacant land and property within a built-up area for further development'.
12. Whilst I accept that it would be possible for some types of extensions to meet this definition. In this case, the proposed extension is located to the rear of the

¹ Appeal Reference: APP/B1930/D/20/3261569

property and does not fill or close a gap between the existing row of dwellings. Whilst the proposal would provide further development within a somewhat built-up area, I do not consider the appeal site to be vacant land or property and therefore the proposal does not meet this definition of infilling.

13. Further, as I have identified above, the proposal constitutes disproportionate additions. Although there would only be a marginal increase in floor area compared to the existing, it cannot be considered limited in its scale when viewed in comparison to the original building. Consequently, I do not consider the proposal to meet the exception outlined in paragraph 154 e) of the Framework.
14. Considering the above, I conclude that the proposal would be inappropriate development in the Green Belt. It would conflict with Policies 1, 13, 69 and 72, and the associated policies of the Framework which collectively seek to control development within the Green Belt and ensure that the scale and character of development are in keeping with the area.

Openness

15. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal property is clearly visible from the adjacent highway and public footpath to the rear. Notwithstanding the neighbouring dwellings or the existence of other two storey properties within the vicinity of the appeal site, the openness of the Green Belt is clearly evident around the property and the wider area.
16. The appeal proposal would increase the volume and massing of the existing building and in doing so would result in a harmful loss of openness, albeit this would be limited given that it does not extend beyond the existing rear building line. This factor weighs somewhat against the proposal.

Conclusion

17. The extension would result in disproportionate additions over and above the size of the original building and would not be considered limited infilling in villages. As such, it would be inappropriate development in the Green Belt and would result in a harmful loss of openness to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt are clearly outweighed by other considerations.
18. Given the substantial weight to be given to Green Belt harm and that no specific benefits of the proposed scheme have been drawn to my attention, the harm is not clearly outweighed by other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist, such that the appeal should be dismissed.

K Allen

INSPECTOR