
Appeal Decision

Site visit made on 1 March 2024

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th April 2024

Appeal Ref: APP/C1950/D/23/3329319

15 Ramsey Close, Brookmans Park, Hertfordshire, AL9 6NP

- 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 Jonathan Curtis against the decision of Welwyn Hatfield Borough Council.
 - The application Ref. 6/2023/1109/HOUSE, dated 24 May 2023, was refused by notice dated 15 August 2023.
 - The appeal development is described as 'retention of detached double garage (retrospective)'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development the subject of this appeal is retrospective, and I have assessed the garage as built. An extended driveway and parking area in front of the dwelling, leading to the appeal building, is shown on the Site Plan but has not been created. However, I have not taken this element into account as it is not included in the description of development for which permission is sought.
3. Since the appeal was lodged, the Council has adopted the Welwyn Hatfield Local Plan 2016 – 2036 (LP). As a result, the Welwyn Hatfield District Plan has been superseded. However, draft versions of relevant policies in the LP are specified on the decision notice, and are considered in the appellant's appeal statement. Whilst changes were made to some of those draft policies and supporting text as a result of the local plan examination, these are not relevant to the matters in dispute in this appeal.
4. Similarly, a revised National Planning Policy Framework (the Framework) was published in December 2023, but as the policies of relevance to this appeal have not fundamentally changed, comments have not been sought from the parties about this matter either.

Main Issues

5. The main issues are:

- whether the appeal building is inappropriate development in the Green Belt (GB) having regard to the Framework and any relevant development plan policies;
- its effect on the openness of the GB;
- its effect on the character and appearance of the appeal site and the wider area; and
- if the development is inappropriate, 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

Whether Inappropriate Development

6. The appeal property features a detached dwelling near the entrance to a cul-de-sac in the GB. Ramsey Close comprises a group of houses and flats with garaging, overlooking a central open green space. The garage the subject of this appeal has been constructed within the front garden of the appeal property, close to the dwelling.
7. The Framework confirms that the construction of new buildings should be regarded as inappropriate in the GB, with some exceptions. One of these is 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 appellant argues that neither the Framework nor the development plan policy advocate the use of mathematical calculations in assessing size. However, in determining what would constitute 'disproportionate', the supporting text to LP Policy SADM 34 advises that this would generally be a proposal which would result in the footprint, volume and/or above ground external dimensions (height, width) of a building being 50% greater than the original building. This is not determinative in itself, but it is appropriate for the supporting text to offer guidance on the application of policy. Consequently, the dimensions of the building are relevant in determining whether the exception in question applies.
8. In addition, LP paragraph 24.12 confirms that the erection of an incidental building within 5 metres of a main building will be treated as an extension to that building. Given its stated use and its proximity to the main house, I consider that the appeal building could reasonably be assessed as an 'extension' within the terms of the Framework and LP Policy SADM 34.
9. In addition to the new garage, the dwelling has a single-storey rear extension, and a nearby outbuilding with attached canopy in the rear garden. LP Policy SADM 34 requires demonstration that extensions and alterations to a building would not result, either individually or cumulatively, in disproportionate additions over and above the size of the original building, in terms of bulk, scale, height or massing.
10. The Council's delegated report advises that the original dwelling had an approximate footprint of 82m², including a detached garage (which appears to have been converted); that the current dwelling has a footprint of approximately 110m² and the appeal garage has a footprint of approximately 30m². The Council considers that the previous extension and the appeal

building represent an increase of approximately 66% in footprint compared to the original dwelling, not taking into account the additional outbuilding with attached canopy in the rear garden. The appellant does not dispute these figures.

11. As a development in its own right, the appeal building is a large addition to the property. Although each of the extensions and outbuildings within the site is single-storey, cumulatively they are significant in terms of size, and disproportionate compared to the original dwelling. I therefore conclude that the appeal scheme is inappropriate development that is, by definition, harmful to the GB. The development therefore conflicts with the Framework and LP Policy SADM 34.

Effect on Openness

12. No information has been provided by the parties about the previous use of this part of the site before the garage subject to this appeal was built, but the submitted location plan and aerial image on page 3 of the appellant's appeal statement suggest that it was devoid of buildings.
13. Notwithstanding the new garage, the front garden is generally open and thus a large addition now exists in a location where there was an absence of built form previously. Furthermore, the entrance into Ramsey Close is wide and open, due to the green central space, and as such the garage building is visible on approach. It is also visible above the hedge line next to Shepherds Way. Although there is a cluster of deciduous trees adjacent to the building, their slim profile and high canopy means that any screening effect would be seasonal and limited. Consequentially, the development is prominent from multiple public view points. Accordingly, the development harms the openness of the GB both spatially and visually.
14. The appellant has suggested that a condition could be imposed to secure additional landscaping. However, given the size and position of the building, further planting could not mitigate its visual Impact. Planting would likely need to be restricted around the road junction in the interests of visibility, and the building would be visible across the open access and front garden.
15. A reduction in visual clutter at the site as a result of parking vehicles under cover could offer support for the appeal development. Whilst not part of the appeal development, the submitted plan indicates that the existing driveway, on the northern part of the site, would be extended across the currently open lawn. With or without this alteration, vehicles could park on the existing driveway, and there can be no guarantees that they would be parked only within the new building. Any potential benefit in 'hiding' transient vehicle parking would be offset by the significant intrusion of a large and permanent building for this purpose.
16. I therefore conclude that, further to the harm to the GB by reason of the appeal building being inappropriate development, there is additional harm arising from the effect of the building on the openness of the GB.

Character and Appearance

17. As noted above, Ramsey Close comprises a small group of dwellings, including flats with a garage block. Although some of these brick-built garages project

slightly forward of the dwellings, their modest size and position set back from the road means that they appear subservient and discreet in the street scene.

18. I agree with the appellant's view that outbuildings are an integral part of the distinctiveness of the locality. However, I do not share the assessment that the appeal building is consistent with this local context, with an inconsequential change to local character. Rather than being subordinate to the dwelling and site as suggested by the appellant, it is a large timber, shallow pitched building out of keeping with the architectural design, character, proportions and materials of the main house, as required by LP Policy SP 9. Its design contrasts with others in the vicinity, and this is more noticeable due to its prominent and highly visible location in the street scene.
19. Short and long range views are available of the appeal building, although views are more limited on approach from the east along the footway. The appellant refers to the benefits of the existing topography, landscape and boundary features in ensuring that the character and appearance of the appeal site and area is maintained. However, the building is visible above the hedge and behind trees within the front garden and I do not consider this character and appearance has been unaffected with the garage in place. As noted above, a landscaping condition could not sufficiently mitigate the effect of the building.
20. I therefore conclude that the appeal building detracts from the character and appearance of the appeal site and wider area, in conflict with the design objectives of the Framework, and LP Policy SP 9. In addition, it is contrary to LP Policy SADM 11, which amongst other criteria seeks to ensure that new development is not overbearing upon existing buildings and open spaces; and in conflict with guidance provided by design principle D2 as set out in the Council's Supplementary Design Guidance, for new development to respect and relate to the character and context of the area in which it is proposed.

Other Considerations

21. The Framework advises that inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances. It confirms that substantial weight should be given to any harm to the GB, and that 'very special circumstances' will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
22. Matters of the design and use of the building, its scale and materials, landscaping, visual impact, and the effect on openness and local character, have been addressed already in this decision. For the reasons given, these factors do not add weight in support of the appeal.
23. The appellant considers that the appeal development does not undermine the purpose of countryside policy, and cites three of the five purposes served by the GB, as identified in paragraph 143 of the Framework. However, any absence of harm in this respect is a neutral factor in the planning balance.

Planning Balance and Conclusion

24. The appellant's view, that a number of factors ordinary in themselves can combine to create something very special, is acknowledged. However, having balanced the various matters individually and together, other considerations do not clearly outweigh the harm to the GB by reason of inappropriateness, the

harm to the openness of the GB, and harm to the character and appearance of the site and wider area. Consequently, the very special circumstances necessary to justify the development do not exist.

25. Accordingly, the Framework does not indicate in favour of the development, which also fails to accord with LP Policies SADM 11, SADM 34 and SP 9. Material considerations do not outweigh the conflict with the development plan. I therefore conclude that the appeal should be dismissed.

H Lock

INSPECTOR