



Appeal Decision

Site visit made on 24 April 2024

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th May 2024

Appeal Ref: APP/P1940/D/24/3337421

Willow Lodge, Red Lion Lane, Sarratt, Hertfordshire, WD3 6BN

- 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 Mark Miller-Golding against the decision of Three Rivers District Council.
 - The application Ref is 23/1447/FUL.
 - The development proposed is demolition of conservatory, new side and rear extension, flat roof link changed to pitch roof, amended roof profile to form additional roof form with gables front and back and three dormers, bay window added to front north wing.
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Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

Inappropriate development

3. Policy CP11 of the Three Rivers District Council Local Development Framework Core Strategy (2011) (Core Strategy) seeks to maintain the general extent of the Metropolitan Green Belt in the District. It includes 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. This approach is broadly consistent with the Framework.
4. Policy DM2 of the Three Rivers District Council Local Plan Development Management Policies Local Development Plan Document (2013) (Development Management Local Plan) builds on this. It seeks to ensure that extensions to buildings in the Green Belt are not disproportionate in size (individually or cumulatively) to the original building, taking into account the building's

proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt.

5. The parties agree that the appeal proposal would result in a cumulative increase in floorspace over 40% compared with the original dwelling, which the Council's Extensions to Dwellings in the Green Belt Supplementary Planning Guidance (2003) (SPG) advises would normally be unacceptable. I recognise that the SPG pre-dates the Framework and was superseded by the extant development plan. Nevertheless, I agree with the Council that it provides useful guidance on what may be considered disproportionate additions over and above the size of the original building. I am also mindful that the supporting text of Policy DM2 of the Development Management Local Plan signposts the SPG as further guidance.
6. The appeal property is single storey with accommodation in the roof. Despite having a reasonably large L-shaped footprint, its low eaves and overall profile make it appear modest. The existing roof profile has a simple form and, although it incorporates front and rear box dormers, their modest size, and materials, which match the colour of the roof, mean they are neither bulky nor prominent.
7. The appeal property is served by a substantial plot, most of which is located to the front of the dwelling. The dwelling itself is positioned fairly close to other houses on The Green and Red Lion Road, with a moderate sized rear garden. Although it is set back from the highway, it is readily visible from its entrance on Red Lion Road, the surrounding houses, and their gardens.
8. The proposed additions and alterations would cumulatively add significant bulk to the existing roof profile. The front and rear gables would be substantial two storey projections, which would fill air space above the host dwelling that is currently open. The pitched roof of the proposed side extension, which would sit just below the ridge of the main roof, and the introduction of a pitched roof to the flat roof link would also have a similar effect. Given the proposed rear extension would be taller than the northern wing of the house and visible above its ridge, it would not constitute an infill extension. Overall, the proposal would significantly increase the overall scale and massing of the appeal property, eroding its modest appearance and making it appear more prominent in its surroundings. Moreover, the choice of materials proposed, including white render and red clay tiles, would likely exacerbate its prominence.
9. Given this, and the resulting cumulative increase to the floorspace of the original dwelling of over 40%, the proposal would result in disproportionate additions over and above the size of the original building.
10. For this reason, the proposal would conflict with Policy CP11 of the Core Strategy and Policy DM2 of the Development Management Local Plan. Accordingly, it would be an inappropriate form of development within the Green Belt, which, by definition, is harmful to the Green Belt.

Openness

11. The proposed additions to the existing dwelling would be significant and would unavoidably take up more space than the existing dwelling in its current form. This would harm the spatial openness of the Green Belt.

12. In terms of visual harm, views of the appeal property from public vantage points are limited. However, the appeal property can be seen from its entrance on Red Lion Road and, given many of the additions would extend to first floor level, they would be visible from neighbouring properties and their gardens. Given this, the proposal would result in harm to the visual openness of the Green Belt, albeit this harm would be localised.
13. Accordingly, the proposal would result in spatial and visual harm to the openness of the Green Belt. Thus, it would not preserve its openness contrary to the fundamental aim of the Framework.

Other Considerations

14. In the event the appeal is dismissed, the appellant intends to construct extensions to the appeal property that already benefit from planning permission, and has submitted two applications to the Council, one for a Certificate of Lawfulness¹ and the other for Prior Approval² (hereon referred to as the proposals subject of the applications). I am satisfied that there is a reasonable prospect of these developments being implemented in these circumstances.
15. Both the appeal proposal and those proposals subject of the applications would provide modest benefits associated with the construction of the extensions, the improved living space within the dwelling. They would also allow for some improvements to the energy efficiency of the appeal property.
16. The proposals subject to the applications comprise rear and side extensions, which would result in greater increases in the footprint of the appeal property than the proposal subject to this appeal. Nevertheless, even if the proposals subject of the applications were to result in more harm to the spatial openness of the Green Belt than the appeal proposal, they would also result in significantly less harm to the visual openness of the Green Belt. This is because they would only be to the side and the rear of the property and would be single storey. Therefore, they would only likely be seen from the upper floors of the nearest houses. As such, implementation of the proposal over the fallback position has not been shown to have an effect that would be broadly the same or better and therefore does not weigh in favour of granting permission.
17. The appellant needs to extend the appeal property due to the health conditions of his children. From the evidence presented it is apparent that the children have some additional needs, including the need for one of the children to be home-schooled. I am therefore mindful of the requirement under the Public Sector Equality Duty (PSED) to have regard to eliminate discrimination and promote quality for those who have disabilities.
18. The proposed additions and alterations would increase the size of the first-floor bedrooms and allow them to have access to ensuite bath/shower rooms. This would provide the children with additional space within the home. However, from the evidence before me, the proposals subject of the applications would result in similar benefits by providing an additional ensuite bedroom on the ground floor. This would allow the first-floor bedrooms and bathroom to be reconfigured to a bedroom with an ensuite without the need for any roof extension.

¹ Application Reference: 23/2152/CLPD

² Application Reference: 23/2154/PDE

19. Notwithstanding this, the appeal proposal would also include a snug/den, which is not included in the proposals subject of the applications. However, I also note that it would reduce the size of the study, which does not appear to support the need for home-schooling.
20. I appreciate that caring for children with disabilities can present considerable and on-going daily challenges. In this case, the best interests of the children would be to stay in their current home and schooling environments, and for these environments to be able to meet their needs as they grow. Nonetheless, while this is a primary consideration that weighs in favour of the appeal, there is no substantive evidence before me that the appeal proposal would be the only means of meeting the needs of the children at the appeal property or that it would be the minimum necessary to solely meet their needs. To the contrary, the proposals subject of the applications demonstrate that there are other ways of meeting the interests of the children, which would result in less harm to the Green Belt. The best interests of the children are therefore not a compelling point in this instance.
21. The appellant considers the proposal would vastly improve the appearance of the existing dwelling. Nonetheless, while he may consider the layout of the appeal property to be haphazard, from my observations on site, the current form of the property is not obtrusive and the existing box dormers blend into the existing roof profile. Thus, the aesthetical benefits would be limited.

Green Belt Balance

22. Paragraph 152 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 explains that very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
23. The proposal would be an inappropriate form of development within the Green Belt and would also result in harm to its openness. Paragraph 153 of the Framework affords substantial weight to any harm to the Green Belt.
24. Accordingly, while the considerations that I have identified are of significant weight in favour of the proposal, they would not clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the proposal have not been demonstrated.

Conclusion

25. For the reasons above, the proposal would conflict with the development plan, read as a whole. Having had regard to all relevant material considerations, it has not been demonstrated that there are any of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

Hannah Guest

INSPECTOR