



Appeal Decision

Site visit made on 14 June 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2024

Appeal Ref: APP/B1930/D/23/3329521

5 Castle Rise, Wheathampstead, Hertfordshire AL4 8HX

- 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 and Mrs Robinson against the decision of St Albans City and District Council.
- The application Ref is 5/23/0824.
- The development proposed is a two-storey and single-storey rear extension.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2023, and since the Council made its decision on the application, a revised version of the National Planning Policy Framework (the Framework) has been published. I have had regard to the revised Framework insofar as it is relevant to this appeal.

Main Issues

3. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the Framework, any relevant development plan policies and any relevant supplementary planning guidance;
 - The effects of the development on the openness of the Green Belt; and
 - Whether any 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 the development would be inappropriate development in the Green Belt

4. The Framework identifies that the construction of new buildings in the Green Belt should be regarded as inappropriate, unless it would constitute one of the exceptions set out in paragraph 154. The Framework also states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. The proposal involves the extension of a residential property. One of the exceptional forms of development listed at paragraph 154 of the Framework 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 (paragraph 154 (c)).

6. Policy 13 of the City and District of St Albans District Local Plan Review 1994 (LP) sets out that extensions to houses within the Green Belt may be permitted unless the scale or visual impact upon the original building would create a building of significantly larger or different character. The St Albans City and District Supplementary Planning Guidance on Residential Extensions and Replacement Dwellings in the Green Belt (SPG) provides additional information to assist with the determination of the forms of development to which Policy 13 applies.
7. The SPG identifies criteria against which a residential extension in the Green Belt should be assessed. The cumulative growth of a house since its original scale and form is a part of this criteria. Particular cubic content and percentage floorspace increase size ranges are provided for side and rear extensions, albeit the SPG explains that they are not rigid limits. In effect, the operation of the SPG guidance is such that the better a proposal fares against other criteria, the more generously sized the extension to the original property is permitted to be.
8. I have not been provided with any plans of the host property in its original form. However, the site's planning history and the evidence I have before me of the scale and nature of earlier extension work indicates to me that the property has been quite considerably extended in the past. This would be the case even if I were to accept that the existing garage should not be counted as an extension to the existing property.
9. With a width of over 7 metres, a depth of 3 metres and the inclusion of a two-storey element, the proposed extension would, quite significantly, further enlarge the property. I have been provided with no substantive evidence that as a result of the proposal the guideline size increases set out within the SPG would not be exceeded.
10. The two-storey extension would have a roof ridge which would match that of the top of the existing dwelling. In some views from Castle Rise and Marshalls Way to the north and east of the site the extension's roof would noticeably pop-up above the roofline of the existing lower offshoot containing the master bedroom. In so doing, some views of the wooded backdrop to the site to the south would be obscured. Consequently, despite the extension proposed being to the rear of the property, parts of it would be visible from public vantage points, and it would erode some of the views of countryside which can be appreciated in the backdrop to it and which are visible within the gap between the host property and the neighbouring bungalow to the north.
11. The proposal would not result in the loss of landscape features, it would not affect any conservation areas or listed buildings, and the detailed design would be compatible with the host property and the street scene in compliance with LP Policy 72. Therefore, I accept that the proposal performs well against some of the SPG criteria. However, I find that in the round, and for the reasons of the cumulative enlargement, visibility, and the erosion of the site's wooded backdrop, it would be contrary to the guidance of the SPG overall.
12. Consequently, and in conflict with LP Policy 13, the proposal would create a building significantly larger than the original. Amongst other matters, LP Policy 1 sets out that the circumstances in which Green Belt development will be

permitted must have regard to other policies in the LP including Policy 13. As I have identified conflict with this policy already, I find that the proposal conflicts with Policy 1 when it is read as a whole.

13. The entirety of the LP is not before me. In its absence I cannot be certain of the full range of LP policies which apply to Green Belt development within the District. However, the content of Policy 13 in respect of residential extensions and replacement dwellings in the Green Belt is consistent with the advice contained within the Framework. I also find that there is nothing within those parts of Policy 1 relevant to this particular proposal which is out of kilter with the advice of the Framework. Policy 72, to which I have also referred above, provides principles of good design which I also consider to be consistent with the Framework.
14. The proposal would also amount to a disproportionate addition to the original building and in so doing, the exception at paragraph 154 (c) of the Framework is not met and, the proposal constitutes inappropriate development in the Green Belt.

The effects of the development on the openness of the Green Belt

15. As an existing residential property within a residential estate, I acknowledge that the appeal site is located within a part of the Green Belt where built development already has an influence. The site does not have the same degree of openness as, for instance, the fields and woodland which surround the Lea Valley estate.
16. Nevertheless, the proposal would introduce at the rear of the property a substantial extension. I have already set out that there would be views where the extension would be noticeable and that it would intrude upon views of the countryside as well. Therefore, the proposal would result in this particular part of the Green Belt becoming more built-up, and it would be sufficient to result in a reduction in the openness of the Green Belt because of the combination of its spatial and visual effects. This reduction in openness would be modest rather than significant, but it nonetheless would be harmful, and it would add to the harm that would be caused by reason of the proposal constituting inappropriate development.

Other considerations

17. The appellant submits that a very similar development to the appeal proposal could be undertaken through the exercise of the permitted development rights afforded by the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). The material difference from the appeal proposal being that a small gap would need to be maintained between the single and two-storey elements.
18. Although the appellant has submitted a detailed analysis of the alternative proposal set against the relevant permitted development criteria, I am mindful that I have before me no plans which confirm the original building lines of the house nor exactly how they were altered by past extension work. Some of the limitations placed upon the Schedule 2, Part 1, Class A GPDO permitted development rights relate to whether different original walls of the dwellinghouse would be extended from and by how much. Without more certainty on the original building, I cannot be certain that the alternative

proposal would be permitted development. In such circumstances, I can only conclude that the alternative proposal may be permitted development rather than more confidently saying it certainly would be. In turn, I cannot be sure that the alternative similar proposal could be implemented without planning permission, and this limits the amount of weight I can attribute to it as a fallback.

19. The appellant also submits to me that in the past, under previous GPDO provisions, the extension proposed would have been permitted development and that, in effect, it only requires planning permission on something of a technicality. However, irrespective of the reasons for it, the proposal requires planning permission and must, therefore, be considered in the light of the development plan and important material considerations such as the Framework.
20. I have been provided with a certificate of lawful development dating from 2012 for a single-storey extension at the property. However, the single-storey extension would not be as large as the extension proposed in this appeal. For this reason, it would not have comparable effects upon the openness of the Green Belt. Therefore, that an alternative and less harmful single-storey development could be undertaken does not weigh in the appellant's favour to any meaningful extent.
21. Some energy efficiency improvements to the house may be derived from the proposal, but I have very little evidence of the magnitude of them. It has not been demonstrated to me that this would be a considerable benefit of the development.
22. The proposal would not harm the living conditions of neighbouring occupiers, but this absence of harm is a neutral factor in my determination and does not weigh in the proposal's favour. I also note that no public objections have been raised, but this does not render the scheme acceptable nor overcome the harm that would be caused to the Green Belt.
23. During my visit I noted that many properties within the Lea Valley estate had been extended or altered. Furthermore, my attention has been drawn to a number of residential extensions in the area and some of the assessments made in their regard by both the Council and the Planning Inspectorate. As a part of this, it is put to me that the Council has been inconsistent in its approaches at times. However, there are differences between each site and proposal – extensions differ in design or scale, as do house types and plot arrangements. Such differences can materially affect whether the extension is inappropriate development or not and its effects upon the openness of the Green Belt. I have come to my own views on this appeal proposal having regard to its specific circumstances. For this reason, whilst I have had regard to them, the history of extensions in the area is not a strong influence upon my decision.
24. I appreciate that the extension proposed is sought so that the property is better suited to the needs of the family and home working arrangements. However, as set out to me, these personal circumstances are matters which I can only afford limited weight.
25. Finally, the Council's reason for refusal refers to the Wheathampstead Neighbourhood Plan. However, the content of the policies which have been put

before me are largely irrelevant to the harm I have identified in my main issues. Therefore, I find no conflict with them.

Planning Balance

26. I have identified that the proposal amounts to inappropriate development which is, by definition, harmful to the Green Belt. I have further identified that a harmful loss of openness of the Green Belt would result. This is the case even though, I accept, no conflict with the five purposes of the Green Belt would arise.
27. For the very special circumstances to exist, the totality of this Green Belt harm must not only be outweighed by other considerations but clearly so. Altogether, the weight I attribute to the other considerations in this case are not sufficient to clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development, and as referred to within the Framework, do not exist.

Conclusion

28. I conclude that the proposal conflicts with the development plan, and the material considerations in this case do not indicate that the appeal should be decided other than in accordance with it. The appeal should, therefore, be dismissed.

H Jones

INSPECTOR