



Appeal Decision

Site visit made on 30 July 2024

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2024

Appeal Ref: APP/P1940/D/24/3337385

The Hollow, Hyde Lane, Nash Mills, Hertfordshire HP3 8RY

- 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 John Anderson against the decision of Three Rivers District Council.
 - The application Ref is 23/1778/FUL.
 - The development proposed is alterations to roof form of existing garage including removal of dormer windows and alterations to roof, rooftiles; alterations to fenestration.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development in the banner heading above is from the Council's decision notice which accurately describes the proposal.

Main Issues

3. The main issues are:
 - Whether the proposed development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (2023) (the Framework) and any relevant development plan policies;
 - The effect of the proposed development on the openness of the Green Belt;
 - The effect of the proposed development on the character and appearance of the surrounding area; and
 - If it is inappropriate development, 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 necessary to justify the proposed development.

Reasons

Whether inappropriate development

4. The appeal site is situated in the Green Belt. The Framework says (paragraph 154) that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. One exception listed includes 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.

5. Similarly, but distinct from the Framework's test, Policy DM2 of the Council's Development Management Policies LDD (DMP) (2013) says, amongst other things, that extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building will not be permitted. 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 will be taken into account. Moreover, Policy CP11 of the Council's Core Strategy (CS) (2011) says, amongst other things, that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it.
6. There is no definition of what constitutes disproportionate additions within the Framework, DMP, or the CS. However, the Council refer to a 40% threshold in the now superseded Extensions to Dwellings in the Green Belt Supplementary Planning Guidance. However, as the Council advise that this has been superseded, the consideration of this matter requires an exercise of judgement instead. Footprint is only one factor to consider, and it is also reasonable to take account matters of volume and visual impact into account as well.
7. The planning history indicates that the property has been extended previously and the Council say that the floorspace of the current proposal, would result in an increase of 172% over and above the floorspace of the original building. The appellant has not disputed those figures or provided any alternative calculation. By any means, an increase in floorspace of 172% is substantial.
8. The combination of this percentage increase, the increased volume, and the resulting dominance of the increased massing of the garage feature from Lower Road and Hyde Lane leads me to conclude that the proposed development would amount to a disproportionate addition over and above the size of the original building.
9. The proposed development would thus be inappropriate development for the purposes of Green Belt policy and would conflict with Policy CP11 of the CS and Policy DM2 of the DMP and the Framework, when taken together and in so far as they relate to this matter.

Openness

10. As set out in paragraph 142 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics thereof being its openness and permanence. The physical presence of built forms may affect openness, which can also have a visual and spatial element.
11. In this instance the physical area of the proposed development would be concentrated around the existing property, which is located within a residential area within the Green Belt and with a taller railway bridge to the rear. In this regard, the proposal would not result in an incursion into an open part of the Green Belt. Nor would it result in urban sprawl or harm any of the five purposes of the Green Belt. The proposal would have a greater physical presence in the street scene from the increased massing. However, considering the backdrop of the railway line and the residential surroundings in the street I do not consider that this would amount to a loss of openness in the Green Belt.

12. I therefore find on this main issue that the proposed development would not have a harmful effect on the openness of the Green Belt and would thus not conflict with the Framework in so far as it relates to this matter.

Character and appearance

13. The appeal dwelling is a two storey dwelling, which sits on a prominent plot near the junction of Lower Road and Hyde Lane. The existing garage is a wide two bay garage, which is attached to the dwelling by a single storey link. Its location in the corner set back from the front building line of the host dwelling and its design with its single storey side walls and steep roof pitch, results in the garage being seen as a subservient feature to the host property.
14. The proposed increase in massing, with the increased walls and windows at first floor, would result in an overtly dominant feature relative to the host property. The increased massing from the upper walls would result in a distinctly low roof pitch, which would contrast starkly with the host property. Taken together, even though there would be no increase in footprint, its increased dominance would not harmonise well with the host dwelling, and it would not appear subservient to it. Even with matching materials and it maintaining the same overall height it would appear as an incongruous addition to the host property.
15. I therefore conclude on this main issue that the proposal would have a harmful effect on the character and appearance of the surrounding area. As such, I find conflict with the requirements of Policies CP1 and CP12 of the CS and Policy DM1 and Appendix 2 of the DMP, when taken together and in so far as they relate to this main issue. These seek, amongst other things, to promote high design quality, having regard to local context, character, massing, roof form and local distinctiveness.

Other considerations

16. No other harms have been identified by the Council and no objections were received during the application. However, the lack of harm in these respects' weighs neither for nor against the proposal. I understand that extending the property would meet the appellant's need for increased accommodation. However, personal circumstances will seldom outweigh more general planning concerns and the appellant's desire to extend the property does not, therefore, amount to very special circumstances that weigh in favour of the proposal.

Other Matters

17. I have been referred to a previous appeal decision at the site from 1993. However, the scheme before me is a markedly different proposition with a greater bulk and massing and whilst I recognise that the description of the site and surroundings is similar, I must assess the scheme against the current planning policies and on its own merits.
18. I have also been referred to a decision for 37 apartments (Ref: 22/1692/FUL) in the Green Belt. From the evidence before me the Council, in approving the scheme, recognised that it was inappropriate development and harmful to openness. However, it considered that there were a number of other considerations that would cumulatively result in very special circumstances which would outweigh the harm to the Green Belt. In this regard, I have no reason to doubt that the scheme for 37 apartments would have a greater

impact on the Green Belt than the scheme before me. However, that does not justify further harm to the Green Belt elsewhere, instead I too must balance any other considerations against any harm to the Green Belt and any other harm.

Conclusion

19. The proposed development would be inappropriate development in the Green Belt and would conflict with Policy CP11 of the CS and Policy DM2 of the DMP. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that harm. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
20. In addition to the harm by way of inappropriateness, the proposal would harm the character and appearance of the surrounding area. Drawing the above together, the other considerations, in this instance, do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposed development do not exist.
21. The proposed development would conflict with the development plan when read as a whole, and there are no material considerations that indicate that the appeal decision should be taken other than in accordance with it.
22. For the reasons given above, and having regard to all matters before me, the appeal is dismissed.

Mr R Walker

INSPECTOR