



Appeal Decision

Site visit made on 15 July 2024

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2024

Appeal Ref: APP/C1950/D/24/3340232

30 Hawkshead Lane, North Mymms, Hertfordshire, AL9 7TB

- 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 Professor Ian Christopher Lloyd against the decision of Welwyn Hatfield Borough Council.
 - The application Ref is 6/2023/2085/HOUSE.
 - The development proposed is the erection of a double wooden freestanding carport.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework December 2023 (NPPF) and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the area around Hawkshead Lane.
 - If inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

3. No 30 is a detached chalet bungalow situated on the southern side of Hawkshead Lane. It occupies the full width of the plot and the house is set well back from the front boundary, with a parking area in the front garden. It is bounded by hedges to the front and western boundaries and trees and hedge to the eastern boundary. It is the last dwelling on the southern side of this section of the road, with playing fields to the east, and open countryside beyond and to the south. The proposal would involve the construction of a detached wooden carport in the front garden, some 6 metres square, with open sides and a flat roof. The appeal site lies within the Metropolitan Green Belt.

Whether inappropriate?

4. Policy SADM34 of the Council's Local Plan 2016-2036 (LP) indicates that within the Green Belt, planning permission will be granted for development in accordance with national policy and other policies in the plan, subject to certain criteria. These criteria are consistent with national policy as contained in paragraphs 152 – 154 of the NPPF.
5. Paragraphs 152-154 of the NPPF state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Any harm to the Green Belt should be given substantial weight. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt with certain exceptions, including the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. The appellant has provided information on appeal and appeal court cases that relate to what constitutes extensions to buildings, including detached outbuildings. Whether an outbuilding is an extension is a matter of fact and degree and, in this case, I find that the proposed carport should be viewed as an extension, since it would be a normal adjunct to the main house and is only around 5 metres from the front elevation. As such, the proposal is to be considered against potential exception (c) under paragraph 154 of the NPPF.
7. From the information before me, it would appear that the original dwelling had a footprint of approximately 87m², and a floorspace of around 136m² over two floors. The original dwelling has subsequently been extended, such that the existing footprint amounts to approximately 190m², whilst the floor space of the dwelling is around 239m² over two floors. These figures represent an increase of around 118% over that of the original footprint, and an increase of around 76% over that of the original floor space.
8. Policy SADM34 indicates in its justification that in determining what would constitute a disproportionate extension to a building, a quantitative and qualitative assessment will be undertaken. In quantitative terms, proposals that would result in the footprint, volume and/or above ground external dimensions (height, width) of a building being 50% greater than the original building would generally be refused. However each case will be assessed on its own merits. In this case, both the footprint and floorspace figures of the existing house are significantly higher than those of the original house. The proposed carport would add a further 35m² to both the footprint and the floorspace figures. I consider that cumulatively this would result in a disproportionate addition over and above the size of the original building from a quantitative perspective.
9. From a qualitative perspective, I consider that it would be a relatively lightweight and open structure that, in itself, would represent a limited degree of harm to the visual appearance of this part of the Green Belt. Nevertheless, this lack of significant harm in qualitative terms would be, at best, a neutral factor in the consideration of the proportionality of the additions to the original building. In the light of the above, therefore, I find that the proposed carport would be inappropriate development in the Green Belt.
10. The appellant contends that the proposal should also be considered under exception (g) of paragraph 154 of the NPPF, in that the appeal site represents

previously developed land. However, given the nature of the site, as the end property of an otherwise largely continuous development along the southern side of the road, I do not consider that the proposal should be seen as infill. Moreover, the carport would represent new development and not redevelopment. On this basis, the proposal does not fall to be considered under exception (g).

Openness

11. The appellant acknowledges in the appeal statement that, in spatial terms, the proposal would have an increased impact on openness. I concur with that view and note that, by virtue of its position towards the front of the property, there would also, in this case, be a visual impact on openness. Given the relatively small size of the car port, and its open sided nature, I find that the degree of harm to the openness of that part of the Green Belt in the area around Hawkshead Lane would be only very limited, but nevertheless, there would be some harm.

Character and appearance

12. Hawkshead Lane is characterised, in the vicinity of the appeal property, by detached houses and bungalows on both sides of the road. Most are set well back from the road and have open parking areas at the front of the property. There would not appear to be any other detached structures within the front gardens of dwellings in the vicinity of the appeal site. Whilst the proposed structure would be relatively small in scale, nevertheless, it would be clearly visible through the wide driveway entrance. As such, it would be an uncharacteristic and, by reason of its position, design and materials, somewhat incongruous element in its location along this part of Hawkshead Lane, detrimental to the otherwise open character of the front gardens.
13. Policy SP9 of the LP indicates that development proposals should deliver a high quality design that should be informed by an analysis of the site's character and context so that they relate well to their surroundings and local distinctiveness. In addition, proposals should respect neighbouring buildings and the surrounding context in terms of height, mass and scale. They should be of a high quality architectural design that creates coherent and attractive forms and elevations. In this case, for my reasons given in paragraph 12, the carport would not relate well to its surroundings and the distinctiveness of the local area. It would be harmful to the character and appearance of the area around Hawkshead Lane, albeit limited in degree, and would conflict with Policy SP9 of the LP.

Any other considerations

14. The appellant has noted certain potential benefits of the proposal, in the context of NPPF objectives. These include that the proposal would create employment for local builders and trades people, so contributing to the local economy; that it is an economic solution which allows the appellant to provide shelter for his vehicles without significantly altering the landscape; that it would not cause any harm by way of waste, pollution or any effect on biodiversity; and that it would utilise sustainable materials designed for longevity. I acknowledge these points, but any benefits, both individually and collectively, would be extremely limited in scale and nature, or would represent, at best, effects that are neutral in the context of the Green Belt.

Conclusion

15. I find that the proposed carport would be inappropriate development in the Green Belt and that it would be harmful to the character and appearance of the area around Hawkshead Lane. The other considerations listed in paragraph 14 above would be very limited in effect and, even when combined, they would not have sufficient weight to clearly outweigh the substantial harm to the Green Belt and the other harm identified. On this basis, therefore, the very special circumstances necessary to justify the development do not exist. The proposal would conflict with national policy in the NPPF and with Policies SADM34 and S9 of the LP and, consequently, I dismiss the appeal.

J D Westbrook

INSPECTOR