

Appeal Decision

Site visit made on 23 September 2024

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2024

Appeal Ref: APP/B1930/W/24/3340875

**39 The Broadway, Gustard Wood, Wheathampstead, Hertfordshire
AL4 8LW**

- 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 and Mrs Pattison against the decision of St Albans City and District Council.
 - The application Ref is 5/23/2499.
 - The development proposed is a part single/part 2 storey side extension, a 2 storey front and side extension with integral garage following demolition of an existing garage, a front porch, alterations to openings and external materials, change of use of land from amenity open space to residential land and an outbuilding within the rear garden with temporary accommodation.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. 39 The Broadway is a detached house on a large corner plot at the junction with Dale Avenue, within a spacious residential area and in the Green Belt. Much of the proposed development had already been carried out or was in progress by the time of my site visit. The proposal includes 2 storey extensions to both sides of the house and a 3 room outbuilding in the back garden. It also includes the change of use of a strip of land between the house and Dale Avenue, to bring it into No 39's garden. This area was previously open in character and outside of the enclosed garden, though in the same ownership.
3. The description of the proposed development, as set out above, refers to the provision of temporary accommodation, presumably in the outbuilding. That building appears to be a permanent, brick and block structure, however. I see no explanation of this reference to temporary accommodation in the submissions. I take the proposal to be as presented on the submitted plans.
4. A new retaining wall, tall brick pillars and timber fencing panels have also been constructed at the back of the footway along Dale Avenue, enclosing the land proposed for a change of use. The wall/fence is not referred to in the description of the proposal or shown on the plans. It is not, therefore, part of the appeal proposal.

Main issues

5. The main issues are:

- i) Whether the proposal constitutes inappropriate development in the Green Belt;
- ii) The effects of the proposal on the openness of the Green Belt and the character and appearance of the local area; and
- iii) If the proposal is 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 the very special circumstances necessary to justify development.

Reasons

Whether inappropriate development in the Green Belt

6. There are 2 different types of development involved here: built development and a material change of use. I deal with the built development first.
7. Paragraph 154 of the National Planning Policy Framework (the Framework) explains that construction of new buildings should be regarded as inappropriate in the Green Belt, except for listed exceptions. One of these exceptions is for extensions and alterations to buildings provided that these do not result in disproportionate additions over and above the size of the original building.
8. In general accordance with the Framework, policies 1 and 13 of the St. Albans District Local Plan Review 1994 (LPR) aim to restrict development in the Green Belt to particular forms of development, including house extensions which would not create a building significantly larger or of different character. Wheathampstead Neighbourhood Plan 2020-20356 (NP) policy W1 confirms that inappropriate development in the Green Belt will not be approved except where very special circumstances have been demonstrated.
9. The Framework does not provide any guidance on interpretation of the phrase 'disproportionate additions'. The Council's 2004 Supplementary Planning Guidance *Residential Extensions and Replacement Dwellings in the Green Belt* (SPG) allows for extensions of up to 90 - 180m³ more volume or 20 - 40% more floorspace compared to the original building. The higher end of these ranges is reserved for proposals that would otherwise have only minor impacts – for example where the extension would not close down an important gap between buildings. Although the SPG is now about 20 years old, I find this approach to be generally reasonable and applicable.
10. The appellant does not dissent from the Council's calculation that the proposal, plus an existing extension, would represent a cumulative increase of over 300m³ volume to the original house and increase floorspace by more than 100%. These are substantial additions to the property, more or less doubling it in size. They are greatly in excess of the top range of the SPG guidelines.
11. As I understand it, the Council's calculations include the floorspace of the outbuilding. That structure is near to the house and would be used for domestic purposes. It can be considered to be a domestic adjunct, equivalent to a house extension. Framework paragraph 154 does not make any exception for such

outbuildings separate to the allowance for extensions. Therefore, if the outbuilding is not considered as an extension it would be considered inappropriate development in its own right.

12. Turning to the change of use, Framework paragraph 155 allows for material changes of use of land provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The proposed incorporation of an open, landscaped strip into the garden of No 39 does not in itself harm openness or Green Belt purposes, so is not inappropriate. As above, the wall/fence is not a matter for this decision.
13. I find that the built elements of the proposal represent a disproportionate addition to the original building, so that none of the Framework's listed exceptions to Green Belt restraint apply. The overall proposal therefore constitutes inappropriate development and is harmful to the Green Belt by definition.

Openness, character and appearance

14. I now go on to consider the impact of the built elements on openness, and of the whole proposal on local character and appearance. The neighbourhood takes much of its spacious, leafy character from the set back of the houses, with open, landscaped areas next to the streets. Prior to the works beginning at this site, No 39 fit in well with and contributed to this general character, sitting back within a large corner plot with a wide, open area fronting Dale Avenue.
15. The outbuilding is positioned close to the back of the footway on Dale Avenue, well forward of both No 39 and the neighbouring house at 23 Dale Avenue. It sits up on raised ground in a prominent position, making it a substantial and intrusive presence in the otherwise more open street scene, harming the area's openness and spacious character. The planting of a hedge in the narrow strip of ground alongside the building does little to mitigate this impact.
16. The proposed house extensions are reasonably designed to fit in with the form and design of the house, so that they would not in themselves harm local character. Their large scale would nevertheless detract significantly from the openness of the Green Belt. The change of use of land to garden could potentially also impact local character though the introduction of domestic paraphernalia, which would be expected as part of the use of any garden and might not be screened by enclosures.
17. The Council refers to LPR policy 74 in its refusal notice, in regard to the protection of existing landscaping. I note that an oak tree has been removed from the site in the recent past. The Council confirms, however, that the removal did not require consent. Like the erection of the wall/fence, the loss of the tree is not a matter for this decision.
18. I find that the overall proposal would harm both the openness of the Green Belt and local character and appearance. In regard to the latter of these issues, it conflicts with LPR policies 69, 72 and 75 and NP policies W1, W8 and W9, which aim to secure high quality design that respects the local context and green space. This harm would add to that caused by inappropriate development in the Green Belt.

Very special circumstances

19. I understand that the house was not in good condition, so that refurbishment and improvements were required. I have not, however, seen anything to suggest that this particular scheme is necessary for those improvements to take place. I also note the various points put forward by local objectors, but find nothing else there which significantly affects the planning balance.
20. The appellant refers to a number of other extensions allowed within the local area. Most of these appear to be much smaller, proportionately, than the current proposal so provide little support for the appellant's case. A more sizable set of extensions was approved nearby at 17 The Broadway. The Council found that scheme to be inappropriate in the Green Belt, but considered that the scheme's removal of an existing extension and garage would be sufficiently beneficial to amount to very special circumstances. No equivalent removals are proposed at No 39, so the circumstances here differ significantly.
21. The Council refers to an appeal¹ for another site where the change of use and enclosure of amenity land was found to be harmful. That case included a fence, and was not in the Green Belt, so the circumstances were again different to the current appeal. I have assessed this case on its own merits.
22. Framework paragraph 152 says that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. In line with Framework paragraph 153, I give substantial weight to this harm to the Green Belt. The proposal would furthermore harm local character and appearance in conflict with LPR policies 69, 72 and 75 and NP policies W1, W8 and W9. The other considerations in this case provide insufficient positive support to outweigh the harm, so that the very special circumstances required to justify the proposal do not exist. The proposed extension therefore would not accord with the Green Belt provisions of LPR policies 1 and 13, NP policy W1 and the Framework.

Conclusion

23. There are no other material considerations which would outweigh that conflict with the development plan and national policy, as set out above. For these reasons, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR

¹ APP/B1930/W/18/3219289