



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/24/3341880

38 Lyndon Mead, Sandridge AL4 9EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Allister Lewis against St Albans City and District Council.
 - The application Ref is 5/2023/1626.
 - The development proposed is a first floor side extension to create bedroom and home office space, and alterations to the existing garage roof and entrance canopy.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary matter

2. 38 Lyndon Mead is a gable fronted link detached house, set at the end of a cul-de-sac of similar houses, in a built up residential area and within the designated Green Belt. An original detached garage to the side of the house has been altered and extended in recent years, with a new crown roof (a flat roof surrounded by mono-pitched roofs) linking the garage to the house and front porch.
3. The proposal effectively asks for retrospective approval for the garage extension, plus a new first floor over. As I saw at my site visit, however, the submitted plans for the proposal do not match what is on site in that they show a covered passageway between the garage and house, with a separate gate, where in fact there is just one, wider garage door at the front. I have considered the proposal on the basis of the submitted plans rather than the existing situation. This does not significantly affect my assessment in any case. The side passageway shown on the plans is almost completely enclosed so would count as floorspace and built volume for the purposes of Green Belt policies.

Main issues

4. The appeal is against the failure of the Council to determine the application within the statutory period. The Council has confirmed that it would have refused the application on the basis of Green Belt policies. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt; and

- If the proposed development is inappropriate, 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 the development.

Reasons

Whether inappropriate development

5. 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, apart from 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. 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, including house extensions which would not create a building that would be significantly larger or different in character.
6. 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 – 180 cubic metres 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.
7. As stated by the Council, the 'original building' in this case reasonably includes the detached garage as that appears to have been part of the original development and an integral part of the property, very close to the house. The later side and rear single storey extensions to the house and the newer linking extension are not part of the original building and are therefore excluded from the 'original building' for the purposes of this assessment.
8. There is considerable disagreement between the Council and the appellant about how much volume and floorspace have been and would be added in comparison to the original building. I find that the correct numbers are likely to be somewhere in between, but closer to the Council's calculations. The Council may have overestimated the volume of the various extensions at +235 cubic metres but its floorspace figure of +62% appears to be about right. On the other hand, the appellant's calculation of +160 cubic metres volume does not appear to include the linking/garage roof extension and no alternative floorspace figure is provided. On the basis of the limited information in front of me, I find the proposed cumulative volume and floorspace increases to be significantly above the top level of the SPG guideline figures. The various existing and proposed extensions to No 38, taken together, would create a substantially larger house.
9. On this basis I find that the proposal represents a disproportionate addition to the original building, so that none of the Framework's listed exceptions to Green Belt restraint apply. The proposal therefore constitutes inappropriate development in the Green Belt.

Openness

10. The openness of the Green Belt has both spatial and visual aspects. The proposal would, simply by virtue of its size, have a spatial impact on openness. Turning to the visual impact, Lyndon Mead bends sharply near its end so that No 38 is only visible from a small part of the street. The extension would sit in a gap between houses, but would not close that gap down entirely, leaving some views though to trees behind. These are not views to the countryside and I do not find the full gap to be of particular importance to the Green Belt or local character. There would therefore be some visual impact as well, but that impact is limited. Overall, there would be a minor, but not insignificant, negative impact on the openness of the Green Belt.

Very special circumstances

11. Framework paragraph 152 advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
12. The proposal would be well designed to fit in with the form and appearance of the house. Indeed, there are other similar extensions nearby which also fit in without harming local character and appearance. No trees would be affected. This row of houses is set far enough away from the Sandridge Conservation Area, with views screened by trees, so that the proposal would not harm the conservation area's setting. These are all neutral factors in my assessment. On the plus side, the proposal would improve accommodation for the appellant's family, and improve the quality of family housing stock in general.
13. I do not have full details of the consideration of similar nearby extensions and have assessed this proposal on its own merits.
14. The proposal would be inappropriate development that would harm the openness of the Green Belt. I place substantial weight on this harm in accordance with Framework Paragraphs 152 and 153. The other considerations provide insufficient positive support for this particular scheme to clearly outweigh the harm to the Green Belt. The very special circumstances required to justify inappropriate development in the Green Belt therefore do not exist. The proposed extension would not accord with LPR policies 1 and 13 and the Framework.

Conclusion

15. There are no other material considerations which would outweigh this conflict with the development plan and national policy. For the reasons set out above, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR