



Appeal Decision

Site visit made on 17 December 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2024

Appeal Ref: APP/B1930/D/24/3350908

69 Napsbury Lane, St Albans, Hertfordshire AL1 1DU

- 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 P Gallagher against the decision of St Albans City and District Council.
 - The application Ref is 5/24/0128 DC.4.
 - The development proposed is detached double garage to front garden with four roof lights to street elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its decision notice, the National Planning Policy Framework (the Framework) has been revised, with the latest version published on 12 December 2024. Those parts of the Framework most relevant to this appeal remain broadly the same. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party has been prejudiced by my approach.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to any relevant development plan policies and the Framework;
 - the effect of the proposed development on the openness of the Green Belt; and,
 - if the proposal is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

4. The appeal site lies within the Green Belt and forms part of a line of residential development that runs along one side of Napsbury Lane. On the other side of

the lane is a tree belt and beyond that a busy A road. A short distance away from the appeal site is a garden centre and other commercial premises. To the rear of the site are fields. The appeal property is a two-storey, semi-detached dwelling. The dwelling has a single storey rear extension and a single storey side projection, which includes a porch and an integral garage. The appeal property is set well back from the highway. It has a large front garden, with a hedge along the front boundary. There is an area of hardstanding to the front of the property, which is used for vehicular parking.

5. The construction of new buildings is deemed to be inappropriate development within the Green Belt, unless it falls within one of the exceptions set out in paragraphs 154 and 155 of the Framework. One exception, listed at paragraph 154 c) refers to 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. The Council's Residential Extensions and Replacement Dwellings in the Green Belt Supplementary Planning Guidance (SPG) May 2004 states that *'garages and outbuildings within 5m of the original dwelling, and over 10m³ in volume will be classed as an extension.'* While the SPG and the policies within the City and District of St Albans District Local Plan Review November 1994 (the Local Plan) are of some age, I find that the saved policies most relevant to this appeal are broadly consistent with the objectives of the Framework.
6. The appellant advises that the proposed garage would be nearly 8 metres away from the existing dwelling. Given the extent of visual and physical separation between the garage and the dwelling, I find that the proposal cannot be considered to be an extension to the dwelling. Therefore, for the purposes of Green Belt policy, it would constitute a new building. Accordingly, the proposal would not fall within any of the exceptions set out within the Framework and would conflict with Policies 1 and 13 of the Local Plan. As a result, the proposal is inappropriate development, which is by definition, harmful to the Green Belt.

Openness

7. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The proposed double garage, by reason of its additional built form, would result in a spatial loss of openness. Visually, the proposed development would be sited in a prominent position in front of the existing dwelling. Although the proposed garage would be partially screened by the existing boundary vegetation, views would be available above the front boundary vegetation and from the site access. The proposed garage would be more prominent and would have a greater effect on the openness of the Green Belt when compared to the existing parking area.
8. While additional planting would help to reduce the visual impact of the proposal, it would take some time to mature. Nevertheless, views would still be available along the driveway. Furthermore, the harm to spatial openness would still remain.
9. The proposal by reason of its size, design and siting to the front of the existing dwelling would appear visually intrusive in the street scene. As such, the proposal would conflict with the fundamental aim of Green Belt policy set out in the Framework, which is to keep land permanently open.

Other considerations

10. I appreciate that the appeal property is smaller in size than neighbouring properties. The appellant has drawn my attention to extensions on neighbouring properties. Nevertheless, as I have found that the proposal is for a new building and not an extension, it falls to be considered under a different policy context. As a result, I give the other extensions limited weight in my decision.
11. The appellant has also drawn my attention to three existing garages in the locality, which are located to the front of dwellings. The existing garages are limited in number and are largely screened from the public realm by soft landscaping. Full details of the circumstances behind the existing garages are not before me. Furthermore, the Council advises that they were granted prior to the first publication of the Framework. Consequently, I give them limited weight in my decision.
12. The appellant indicates that they could construct outbuildings to the rear of the dwelling which would be larger in size than the proposed garage and in their view would have a greater impact on the openness of the Green Belt than the appeal scheme. However, there is no alternative scheme before me or a lawful development certificate for such a development. As such, the suggestion that a larger building(s) could be constructed in the rear garden is not a compelling fall-back position. Accordingly, I afford this matter limited weight. Furthermore, I do not find that the removal of the appellant's permitted development rights would justify the harm that I have identified.
13. While the proposal would provide improved garage accommodation for the occupant, the proposal would have a greater visual impact from the public realm than the existing vehicular parking area. As a result, I find no benefit in this regard.

Other Matters

14. While no objections were received from neighbouring residents or concerns raised in respect to highway issues, living conditions or ecology, this does not alter my findings set out above.

Green Belt Balance and Conclusion

15. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm, and 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.
16. The proposal would be inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. The proposal would also cause harm to the openness of the Green Belt. Overall, I afford the other considerations advanced in this case limited weight in favour of the development. However, they do not outweigh the substantial weight that I am required to give to the harm to the Green Belt, by reason of inappropriateness and harm to openness.
17. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the

Framework, that would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

A James

INSPECTOR