



Appeal Decision

Site visit made on 8 January 2025

by **K E Down MA(Oxon) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 January 2025

Appeal Ref: APP/A1910/D/24/3351890

Lyme Lodge, New Road, Chipperfield, Kings Langley, WD4 9LL

- 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 and Mrs Robert Howard against the decision of Dacorum Borough Council.
 - The application Ref is 24/01355/FHA.
 - The development proposed is a first floor side extension with dormers and a two storey rear extension with dormers.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: firstly, whether the proposed development would amount to inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (NPPF), 2024, and any relevant development plan policies; secondly, the effect on the openness of the Green Belt; and thirdly, if the proposed development would amount to inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, such as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development in the Green Belt

3. The appeal site is located at the end of New Road, a short cul-de-sac of traditional dwellings, and lies adjacent to open countryside. The site lies in the Green Belt. The cul-de-sac sits behind a built up frontage on Tower Hill. The appeal dwelling and its neighbours appear originally to have been similar small bungalows. However, many, including the appeal dwelling, have been extended over time. The existing dwelling is a 1.5 storey chalet bungalow on a generous plot. New Road and the nearby built up section of Tower Hill lie outside the main village of Chipperfield and are separated from it by an area of open countryside.
4. The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. For extensions and

alterations to buildings, these should not result in disproportionate additions over and above the size of the original building. "Original building" is defined in the NPPF as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as originally built.

5. Policy CS5 of the Council's Core Strategy (CS), 2013, is broadly consistent with the NPPF insofar as it seeks to apply national Green Belt policy to protect the openness and character of the Green Belt. The limited extension of existing buildings is supported provided they have no significant impact on the character and appearance of the countryside, support the rural economy and maintenance of the wider countryside.
6. The floor area of the original dwelling is disputed between the parties because the appellants argue that the single storey floorspace to the south-west of the main dwelling is original. They refer to a plan submitted with an earlier application which states that the "existing floor area" is 141 m² but this clearly includes the north-east side projection which is agreed to be an extension. The assessment is also based on a review of other dwellings in New Road and an historic OS map indicating that the dwelling extended to the south-west boundary. By contrast, the Council has treated this as an earlier extension, based on the architecture and a letter from the Parish Council dated 27 December 1989, in respect of a proposed first floor side extension with dormers, referring to earlier "side extensions".
7. The appellants also refer to extensions that have been permitted at Rumbolds, a bungalow that appears originally to have been very similar to Lyme Lodge, and draw attention to the fact that the Council included the garage in the original floor area. In assessing the proposed extensions in the context of that dwelling the Rumbold's applicant stated, and the Council agreed, that the original floorspace, including the original garage, was some 86m². This is not very different from the assumed original floorspace of 83m² that the Council used to assess the proposed increases to Lyme Lodge. I therefore consider that to assume an original floorspace for Lyme Lodge of somewhere in the region of 86m² would, on balance, be reasonable. I accept that since some extensions could be pre-1 July 1948 the figure may be greater but, based on the evidence, materially less than the 141m² relied on by the appellants.
8. The proposed extensions, together with extensions permitted in 1990, would, it is agreed between the parties, result in a dwelling with a floor area of some 263m². This would result in an increase over and above the original floorspace of well over 100% and possibly closer to 200%. Even allowing for some uncertainty as to what constitutes the "original dwelling" I consider that under any scenario the proposed increase in floorspace and the associated increase in volume would result in a dwelling that appeared substantially enlarged. The Council's policies do not define what would be considered disproportionate additions but in my view a cumulative increase that clearly more than doubles the size of the original dwelling could not be described as limited. Taken together the increases would therefore amount to disproportionate additions over and above the size of the original dwelling.
9. It is concluded on the first main issue that the proposed development would amount to inappropriate development in the Green Belt. The NPPF advises that substantial weight should be given to any harm to the Green Belt, including that by reason of inappropriateness.

Openness of the Green Belt

10. The NPPF states that the essential characteristics of Green Belts are their openness and permanence. Openness has a spatial and visual aspect. The appeal property lies adjacent to open countryside from which the rear extension would be clearly visible within the large rear garden of the dwelling. This, owing to its size and location, would have a moderate effect on both spatial and visual openness. The first floor side extension would be between the original roof of Lyme Lodge and the next door dwelling. It would therefore have a small but noticeable effect on the spatial openness of the Green Belt because it would infill much the gap at first floor above the existing single storey garage and adjoining single storey structures. However, its visual effect would be minimal because it would be substantially hidden from the open countryside by the proposed rear extension and would not be seen from public viewpoints other than from New Road, from where it would not appear out of place in the context of the street scene.
11. It is therefore concluded on the second main issue that the proposed development would, overall, result in modest harm to the openness of the Green Belt. The NPPF makes clear that substantial weight should be given to any harm to the Green Belt and the loss of openness therefore weighs heavily against the proposed development.

Other considerations

12. The appellants draw my attention to a number of other considerations which they consider might amount to the very special circumstances necessary to justify the proposal. Firstly, they refer to Saved Policy 22 of the Dacorum Local Plan, 2004, which allowed for extensions up to 130% in the Green Belt. However, the Council does not refer to this and its current status is unclear. Moreover, extant CS Policy CS5 refers only to “limited extensions to existing buildings”. I therefore find that little reliance can be placed on the earlier policy and this matter carries minimal weight.
13. Secondly, the appellants suggest that the development could be regarded as infilling and refer to an appeal decision (APP/P1940/D/21/3267766) in another local authority area. Whilst I have limited information regarding that development, it is described as being “within the built up area of a defined village” and thus not readily comparable with the appeal dwelling which lies adjacent to open countryside. I am thus not persuaded that the current proposal could be regarded as infilling. The appellants also refer to CS Policy CS6 which allows for extensions in selected small villages in the Green Belt, including Chipperfield. However, according to the evidence, the Council stated, in the context of a nearby development on Tower Hill, that the site “does not sit within the small village of Chipperfield”. Notwithstanding that New Road forms part of a cluster of development on and around Tower Hill that is served by a pub and a bus service and lies within the Chipperfield Parish, I therefore find that Policy CS6 does not apply. In consequence, these considerations carry little weight.
14. Thirdly, the appellants refer to other extensions that have been permitted to dwellings in the Green Belt. However, none of these appear readily comparable with the appeal decision due either to location or other circumstances. In any case, each development must be judged on its own merits, which is what I have done. These other examples therefore carry limited weight.

15. Finally, the appellants point out that the Council has no objections regarding the effect on character or appearance or any other matters. However, the starting point for assessing extensions in the Green Belt is whether they would amount to disproportionate additions. Since any harm to the Green Belt carries substantial weight, the lack of other harms, which would be neutral, cannot outweigh the harm to the Green Belt arising by reason of inappropriateness. This argument therefore carries negligible weight.
16. Accordingly, it is concluded on the third main issue that, in the final balance, the other considerations would not clearly outweigh the total harm to the Green Belt through inappropriateness and loss of openness. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development would therefore conflict with CS Policy CS5 and with national policy set out in the NPPF, 2024.
17. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR