



Appeal Decision

Site visit made on 8 January 2025

by **K Winnard Solicitor LL.B Hons**

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Appeal Ref: APP/B1930/D/24/3349982

8 Starlight Way, St Albans AL4 0JP

- 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 V Ciuffa against the decision of St Albans City & District Council.
 - The application Ref is 5/24/0832.
 - The development is described as the erection of a brick built outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for a brick built outbuilding at 8 Starlight Way, St Albans AL4 0JP in accordance with the terms of the application, Ref. 5/24/0832.

Procedural Matters

2. The outbuilding has already been built. Accordingly the application is retrospective and I have determined the appeal on this basis, albeit that I have removed the word 'retrospective' from the heading above as this is not an act of development.
3. In December 2024, the Government published its revised National Planning Policy Framework (the Framework). In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework and that no party would be disadvantaged by such a cause of action

Main Issues

4. The main issues in the appeal are as follows:
 - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt; and
 - Whether any harm by reason of inappropriateness, would be outweighed by other considerations to amount to the very special circumstances necessary to justify the proposal

Reasons

Whether inappropriate development

5. The appeal property, No 8 Starlight Way, (No 8) is sited on a suburban residential estate within the Metropolitan Green Belt. The Framework states that the construction of new buildings is inappropriate development within the Green Belt unless the development falls within specified exceptions. These include the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. The St Albans City and District Local Plan Review (1994) (Local Plan) Policy 13 quantifies matters further indicating that development should not create a building significantly larger or different in character. Whilst this policy predates the Framework, it conforms to the general thrust of national green belt policy in these respects.
6. The Framework does not detail what a disproportionate addition means, nor does it specify volumetric or other standards. Rather, it is an objective test which could include, amongst other things, the floor area, volume and form of the relevant building. The Council's Supplementary Planning Guidance on Residential Extensions and Replacement Dwellings in the Green Belt (SPG) gives a number of criteria against which extensions in the Green Belt can be assessed. These include a maximum floorspace increase of 40% and an increase in cubic content of 90-180m³, albeit that the SPG indicates that these size ranges are guidelines, and not rigid limits.
7. No 8 is an end of terraced dwelling which has been previously extended to the side infilling a small gap to the garage. Adjacent to the side of the extended dwelling lie two garages, and the development, the subject of the appeal, infills the gap between the garages and the highway. The Council's calculations of a 48% floorspace increase has not been disputed by the appellant. However as indicated, the SPG requires an assessment of all factors relating to each individual site. Whilst the outbuilding is sited adjacent to, and has extended built form closer to the highway, it is of a modest form and integrates well with the existing two garages. Further it is visually subservient to the main dwelling. On my site visit, I noted that built development, including side extensions, brick walls and timber fences, adjacent to the highway is not an uncommon feature within the estate and as such the development is not unduly prominent within the streetscene. Relative to the size and scale of the original building and taking into account the above factors, the outbuilding appears proportionate.
8. Consequently, in this case and for the factors above, the development is not a disproportionate addition over and above the size of the original building. I therefore find no conflict with the Framework or the general aims of Local Plan Policies 1 and 13 and the SPG which seek to preserve the Green Belt from inappropriate development.
9. As I have not found that Green Belt harm would arise in this case, it is not necessary to consider the effect of the development on Green Belt openness. Additionally, the demonstration of very special circumstances is not necessary to make the development acceptable.

Other Matters

10. The Council has not refused permission in respect of the effect of the development on the character and appearance of the area. Nor has any concern been raised in respect of the effect on the living conditions of the occupiers of neighbouring

properties, or highway safety. I concur with the Council in relation to these assessments.

Conditions

11. As the development has taken place, the conditions suggested by the Council are no longer necessary.

Conclusion

12. For the reasons given I hereby allow the appeal.

K Winnard

INSPECTOR