



Appeal Decision

Site visit made on 8 January 2025

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

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Appeal Ref: APP/B1930/D/24/3349149

3 Sovereign Park, St Albans, Hertfordshire AL4 0FJ

- 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 Karim Tawfik against the decision of St Albans City & District Council.
 - The application Ref is 5/24/0114.
 - The development proposed is a loft conversion with rear dormer and front rooflights, single storey front infill extension with canopy porch.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have adopted the Council's description of the development in the banner heading above as this is a more accurate description.
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:
 - Whether the proposal 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 proposal on the openness of the Green Belt; and
 - Whether any harm by reason of inappropriateness, and any other harm, 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 3 Sovereign Park, (No 3) is sited on a suburban residential estate within the Metropolitan Green Belt. The extensive planning history of the site

is noted in particular the previous planning application, refused and dismissed on appeal¹ for a scheme broadly similar to the one before me, albeit that the proposal now proposes a front infill extension and porch in addition to a rear dormer.

6. 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 City and District of St Albans District Local Plan Review (1994) (Local Plan) Policy 13 quantifies matters further indicating that development should not create a building of 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.
7. 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 May 2004 (SPG) gives a number of criteria against which extensions in the Green Belt can be assessed. These include in the case of side and rear extensions 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. The appellant asserts that the size ranges within Tables 1 & 2 of the SPG are specifically only for side and rear extensions. Nonetheless, the SPG indicates that whilst no numerical size guidelines are given for roof alterations, in the case of extensions other than side and rear extensions, these type of extensions will generally be considerably smaller than side and rear extensions.
8. No 3 has been previously extended and the Council calculates that the percentage floorspace increase of the proposal will be 71.73% and by volume 171.71 m³. These calculations are not disputed by the appellant. There would be a modest change to the footprint of the building by the incorporation of the proposed front porch. However, the proposed loft conversion and dormer would increase the bulk of the dwelling resulting in an extension the width of which would be almost comparable to that of the original building. It would be a sizable addition to the dwelling.
9. The appellant disputes the Council's assessment of the criteria within the SPG in the light of the previous Inspector's findings as to harm. I accept that the proposal performs well against some of the criteria found in the SPG. However, in this instance, due to the cumulative enlargement of the original building, and notwithstanding the flexibility within the SPG, the proposed increase in floorspace would be well in excess of the values provided and contrary to the guidance in the SPG overall.
10. I therefore conclude that the dwelling would be substantially larger than the original building and the proposal would amount to a disproportionate addition to the dwelling. It would accordingly amount to inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt, and I attach substantial

¹ APP/B1930/D/23/3319428

weight to the harm it would cause. It would also fail to confirm with Policies 1 and 13 of the Local Plan.

Openness

8. The essential characteristics of the Green Belt are their openness and permanence. The proposal would increase the footprint of the existing dwelling, albeit modestly, and there would be an increase in the level of built development in this location. As such, the proposal would result in a more prominent dwelling exacerbated by the fact that the loft conversion and dormer would extend across much of the rear roofslope of the dwelling. However, in the context of a modern suburban estate, the proposal would not conflict with any of the GB purposes listed in the Framework and any adverse effects to the visual and spatial openness of the Green Belt would be limited.

Other considerations

9. Subsequent to the appeal being submitted, the Council has submitted to the Secretary of State a draft Local Plan for St Albans District. Assessment of a site in the context of a potential release of land from the Green Belt is made through the plan making process. Whilst the draft Local Plan is a material consideration within this appeal, since it has only recently been submitted for final examination, I consider it has limited weight in the context of this appeal.
10. My attention has been drawn to the previous permissions granted in respect of neighbouring properties, also within the Green Belt, where the Council has considered roof dormer schemes to be acceptable. Whilst it is inevitable that comparisons may be made between developments each has its own site-specific circumstances and merits on which it is considered. As such, direct parallels with these developments are not easily drawn. In any event, I have determined this appeal on its own merits.
11. The appellant asserts that the size of the proposed development would in any event be smaller than that allowed under permitted development rights granted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Further, that it has been concluded by an inspector in a previous appeal² that an application to remove permitted development rights for development would not represent inappropriate development. That decision is not before me but in any event Green Belt policies within the Framework require assessment of proportionality in relation to the size of the original building. Be that as it may, given that the appeal property does not have the benefit of any permitted development rights, the proposal before me could not be constructed under permitted development. As such this would not represent a fallback position and I therefore give this matter limited weight.
12. The Council has not refused the application on the basis of harm to the character and appearance of the host dwelling and the area. I note too that no concerns are raised in relation to the impact of the proposal on the living conditions of the occupiers of neighbouring properties. However, these factors have a neutral effect and accordingly do not weigh in favour of the appeal.

² APP/B1930/W/22/3298415

Green Belt Balance

13. The proposal would constitute inappropriate development within the Green Belt. Its impact on openness in this location would be limited. The Framework states that substantial weight should be given to any harm to the Green Belt and that development should not be approved except in very special circumstances. Even when taken together, the other considerations in this case would not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The development would therefore be contrary to Policy 13 of the Local Plan and guidance contained in the Framework relating to Green Belts.
14. For the reasons given above, I conclude that the appeal should be dismissed.

K Winnard

INSPECTOR