



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/C1950/D/24/3347087

8 High Road, Essendon, Hatfield AL9 6HW

- 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 Mrs Emma Haughey against the decision of Welwyn Hatfield Borough Council.
 - The application Ref is 6/2024/0126/HOUSE.
 - The development proposed is a ground floor rear extension, installation of new dormer window to rear elevation, replacement of existing window reveal detailing, removal of existing front door and porch and installation of new window, reinstatement of original front door, replacement of timber windows to match original, blocking up existing window on side elevation at first floor level, alterations to window sizes on rear elevation at first floor level, installation of Velux rooflight and internal alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development consists of a number of elements. The Council has raised no concerns, subject to the imposition of conditions, relating to the removal of the existing front door and porch and the installation of a new window and reinstatement of the original front door. Their concerns relate to the installation of the rear dormer window and Velux rooflight installations, and the ground floor rear extension. I shall accordingly address my assessment to these elements of the appeal.
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 on the character and appearance of the host dwelling and area, having regard to its conservation area status; 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. Essendon is washed over by the 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.
6. The Framework itself does not detail what a disproportionate addition means, nor does it specify volumetric or other standards, or that comparisons are to be made with reference to the size and scale of the existing layout and neighbouring properties. Rather, it is an objective test which could include, amongst other things, the floor area, volume and form of the relevant building. Local Plan Policy SADM34 of the Welwyn Hatfield Borough Council Local Plan (Local Plan) quantifies matters further by providing a quantitative and qualitative assessment of such proposals.
7. The appeal property, No 8 High Road (No 8) is a mid-late 19th century cottage which has been previously substantially extended. The Council has calculated that when combined with the previous extensions, the original building would be increased in footprint by 206% and in floorspace by 163.9%. The appellant provides slightly differing figures, but even on these figures they are significantly in excess of those provided for in the supporting text to Policy SADM34.
8. The proposal would result in a sizeable addition to the dwelling adding a significant increase in footprint to the original building. The proposed extension would undoubtedly increase the depth of the original building at the rear and the proposed dormer, whilst not increasing the footprint, would introduce additional mass to the roofslope. Visually the additions to the dwelling would further alter it significantly from the original simple cottage. Whilst not readily apparent in wider public views, the scale and bulk of the proposal would dominate the rear of the appeal property. The proposed changes would therefore amount to disproportionate additions to the dwelling.
9. I take account of the previous permissions granted in respect of neighbouring properties where the Council has accepted schemes where the percentage increase in floor space has been significant, and in some instances almost equivalent to the present proposal. I accept that the Council considered these additions did not represent disproportionate additions to the original building in the light of Policy SADM34 which provides for a qualitative assessment of the proposal in the context of the site. However, having regard to the specific site circumstances, I find that the cumulative effect of this and earlier extensions would be to subsume the original modest cottage into various additions. Further, Green Belt policies in the Framework do not refer to consideration of the size and character of surrounding properties in assessing disproportionality.

10. As such I find 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, and I attach substantial weight to the harm it would cause. It would also fail to confirm with Policy SADM34 of the Local Plan.

Openness

11. The essential characteristics of the Green Belt are their openness and permanence. In the context of the Green Belt, it is generally held to refer to an absence of development. Openness has both a spatial and visual aspect. The proposal would introduce built form where presently there is none. Therefore, in spatial terms, the proposed development would lead to a loss of openness. Available views of the development would be limited to those obtained from neighbouring properties and would be localised. Accordingly, the development would cause some, albeit very limited harm, to the openness of the Green Belt.

Character and Appearance

12. The appeal property is an attractive semi-detached Victorian cottage, adjacent to a similar pair of cottages sited on the main road in the village of Essendon. It lies within the Essendon Conservation Area (ECA). There is no Conservation area analysis in front of me but from the information provided and observations on my site visit the significance of the ECA is derived from the historic and architectural style of the buildings in the village settlement. The significance of the appeal property derives from its age and the relationship of the cottages as a whole to the ECA. Despite the cottages having been extended to the side, their original proportions are still well articulated, and they contribute positively to the significance of the ECA as a whole and to the character and appearance of the area.
13. The appeal property would be significantly larger as a result of the present proposal. Notwithstanding that the rear extension would be single storey, due to its detailed design, scale and depth, it would not be read as a subservient addition to the appeal property. I appreciate that there are other large extensions nearby, including ones which have extended to the rear beyond adjacent properties. Even so, I have assessed the proposal on its own merits and find it to be an unsympathetic addition given the harmful impact on the character and appearance of the host dwelling and the pair to which it belongs.
14. The introduction of the rear dormer would be an awkward design feature interrupting the shallow original roof slope of the cottage. As such, it would reduce the visual articulation of the shallow roof slope which is an attractive feature found in this pair of cottages. Accordingly, the proposal would cause unacceptable harm to the character and appearance of the appeal property. It would also fail to comply with the Council's Supplementary Design Guidance 2005 (Design Guide) in relation to dormer windows.
15. I note that approval has been given to roof dormers to other properties within the ECA, including one in the neighbouring terrace of three cottages. From the details provided, different conclusions were reached on the bespoke site and the specific context of each case. Each case must be decided on its own merits and such

decisions are not directly comparable to the one before me, and do not alter my view.

16. I acknowledge the comment by the appellant that the Design Guide does not take into account modern building regulation standards and national space standards. Even so, the overall design and form of the roof dormer would remain unacceptable and fail to reflect the Design Guide which overall requires extensions to complement and reflect the design and character of the dwelling. For the reasons given, this would not be the case. I acknowledge that as with the rear extension, the roofscape would not be seen from a public vantage point. Nonetheless, they would be seen from private views from the rear of properties on High Road. Whilst these may not be public views, they nonetheless form part of the surroundings in which the heritage asset is experienced.
17. The Velux roof window proposed would be of a small scale and I note that rooflights are not an uncommon feature within the ECA as a whole, including within the vicinity of the appeal property. However, I did not observe any rooflights in the terraces of cottages of which the appeal property is part. As such, notwithstanding its scale, the proposed rooflight would appear alien in its context and further detract from the original qualities of the appeal property, and the row of cottages in general.
18. Whilst the Council note concerns as to the fenestration details as submitted, these concerns could be addressed by conditions as to materials. This would be the case too in respect of the removal of the existing front door and blocking up of the window in the side elevation of the appeal property. I agree with the Council in relation to these assessments
19. Overall, the building, whilst already extended, maintains characteristics of the original cottage and as such is a positive contribution to the character and appearance of the ECA. This contribution would be diminished by the appeal proposal. I have paid special attention to the desirability of preserving or enhancing the character and appearance of the ECA. Due to the modest size of the proposal relative to that of the ECA, I consider that the proposed scheme would result in less than substantial harm but in accordance with the Framework (Paragraph 215), that harm should be weighed against any public benefits of the proposal. I note the appellant's desire is to secure the optimum viable and effective use of the site. However, I find insufficient public benefit arising from this proposal to offset the identified harm to which I attach significant weight.
20. Consequently, I conclude that the proposed development would fail to preserve the character and appearance of the ECA. It would not be consistent with the overall design and conservation aims of Policies SP9 and SADM15 of the Local Plan and the Design Guide. These policies and guidance, amongst other things, seek to ensure that development proposals respond to the local character and context and sustain and enhance the heritage assets and historic environment in a manner appropriate to its function and significance. The proposal would also not accord with the Framework that developments are sympathetic to local character, including the surrounding built environment (paragraph 135), sustain and enhance the significance of heritage assets and make a positive contribution to the local character and distinctiveness (paragraph 203).

Other considerations

21. The proposal would allow the appeal property to be updated to modern standards and offer an opportunity to address the restricted size of one bedroom. It would result in improved, more practical living conditions for the appellant and their family. However, it has not been demonstrated that the appeal proposal is the only practical option to achieve such benefits and accordingly I attach only modest weight to these factors.
22. The proposal would improve the appearance of the front elevation of the appeal property and enable the provision of additional off -street parking. However there is nothing to suggest that these renovations to the fenestration and front of the appeal property are in any way dependent on the provision of the rear or dormer extensions, nor that these improvements cannot be achieved independent of the current scheme. As such these factors are of modest weight.
23. The design and siting of the proposal would also not be detrimental to the living conditions of the neighbours but a lack of harm in this regard does not weigh in favour of the scheme.
24. The appellant has drawn attention to examples of development permitted at neighbouring properties. The Council did not find these additions to be disproportionate and therefore the special circumstances needed to justify inappropriate development did not apply. I have had regard to the floorspace and volume measurements provided together with the individual case officer reports. However, given the individual site and design differences, I do not consider any precedent has been set by these permissions. They accordingly carry limited weight in favour of the proposal.

Other matter

25. I note the reference to the Council's handling of the application but this is not a matter before me nor does it alter my findings.

Green Belt Balance

26. 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. In addition, the proposal would fail to preserve the character and appearance of the ECA. 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 SADM34 of the Local Plan and guidance contained in the Framework relating to Green Belts.
27. For the reasons given above, I conclude that the appeal should be dismissed.

K Winnard

INSPECTOR