



Appeal Decisions

Site visit made on 7 January 2025

by **Sarah Manchester BSc MSc PhD MEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Appeal A Ref: APP/B1930/W/24/3343265

Harper House Harper Lane, Shenley, Radlett, WD7 7HU

- 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 D Ivory against the decision of St Albans City Council.
- The application Ref is 5/23/1466.
- The development proposed is single storey rear orangery-style extension.

Appeal B Ref: APP/B1930/Y/24/3340484

Harper House Harper Lane, Shenley, Radlett, Her, WD7 7HU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
- The appeal is made by Mr and Mrs D Ivory against the decision of St Albans City Council.
- The application Ref is 5/23/1661.
- The works proposed are single storey orangery-style extension.

Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. However, the revisions are not directly relevant to the main issues, such that the interests of the parties will not be prejudiced by the change.
4. As the appeal relates to a listed building consent I have had special regard to section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).

Main Issues

5. The main issues are:
 - i) Whether the proposal would be inappropriate development in the Green belt having regard to the Framework and any relevant development plan policies;
 - ii) The effect of the proposal on the openness of the Green Belt;
 - iii) Whether the proposal would preserve a Grade II listed building, "Harper House" (Ref: 1033362) (the LB), and any of the features of special architectural or historic interest that it possesses; and

- iv) Whether any harm by reason of inappropriateness or other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether or not inappropriate development

6. Harper House is a substantial detached dwelling set in large mature grounds at the edge of woodland. It is accessed from Harper Lane via a long private road that also serves a small number of neighbouring residential properties. It is widely separated from Radlett, in the open countryside and the Green Belt.
7. The Framework says inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In this regard, saved policies 1 and 13 of the City and District of St Albans District Local Plan Review Adopted November 1994 (the LP) set out exceptions to new development in the Green Belt, including that extensions to houses may be permitted unless the scale or visual impact upon the original building would create a building of significantly larger or different character.
8. The LP policy is broadly consistent with the Framework exceptions to inappropriate development in the Green Belt, including paragraph 154c) 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. For the purposes of Green Belt policy, the original building is the building as it existed on 1 July 1948 or, if constructed after this date, as it was built originally.
9. The location plan illustrates the footprint of built development in the appeal site. This includes the 2- and 3-storey dwelling, with 2-storey corner extension, an attached U-shaped building to the east elevation linking to a further building along the boundary, and detached outbuildings to the north of the dwelling. The rear elevation plan and ground floor plan illustrate the single storey extension to the east elevation, formerly a yard but now a boot (dog's room). However, there are no plans of the rest of the U-shaped extension or the outbuildings and garage buildings. No detailed dimensions nor volumetric calculations have been provided.
10. The parties agree that the 2-storey extension dates from the 20th century, but they dispute whether or not it existed at 1 July 1948 and should be considered part of the original building for the purposes of the assessment. The Council considers it dates from the late 20th century but the appellants suggest it might date from the 1920s when the house was used as a sanatorium, at which time the ground floor was an open loggia. However, there are no definitive plans, historic photographs or other substantive evidence in relation to the date of this extension.
11. There is also little evidence with the appeal in relation to the single storey extensions and outbuildings indicated on the location plan. The Council states that these are post-1948 construction and not part of the original building. This does not appear to be refuted by the appellants.
12. The Council's Residential Extensions and Replacement Dwellings in the Green Belt Supplementary Planning Guidance May 2004 states that garages and outbuildings built after 1948 are classed as extensions and should be taken into account in the assessment. This is consistent with case law insofar as extensions can include

structures that are physically detached from the host building. Therefore, on the basis that the single storey extensions and outbuildings are normal domestic adjuncts then they should be included in the assessment.

13. Notwithstanding the lack of detail, the location plan illustrates a large footprint and hence volume of single storey extensions and outbuildings. The plan suggests a cumulatively greater footprint than the host dwelling. Even if I was to accept that the 2-storey extension is part of the original building, in combination with the later single storey extensions the proposal would constitute disproportionate additions over and above the size of the original building.
14. Therefore, on the basis of the evidence, the proposal would not meet the exception in Framework paragraph 154c). Consequently, it would be inappropriate development in the Green Belt in conflict with saved LP policies 1 and 13 and the policies in the Framework that protect the Green Belt.

Openness

15. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Openness has both spatial and visual aspects.
16. The proposal would be a single storey flat roof structure with a floor area between 27-33sqm. It would protrude out to the rear of Harper House, over a currently paved area. Consequently, there would be a small loss of spatial openness.
17. By virtue of its bulk and protrusion from the rear elevation, the proposal would be conspicuous in close views and there would be a visual loss of openness to the rear of Harper House. However, its siting to the rear of the property and the extent of landscape screening means that the proposal would not be prominent in views from surrounding land, in the context of the large dwelling and its outbuildings. Consequently, there would be only a limited loss of visual openness.
18. Therefore, while the proposal would result in a small permanent spatial and visual impact on openness, there would be only minor loss and harm to the openness of the Green Belt.

Listed Building

19. Harper House dates from 1871 and it was designed by the celebrated Victorian architect Richard Norman Shaw as a country house. It is a 2- and 3-storey building finished in red brick, partly tile-hung at first floor and it has a tiled roof with heavily moulded gables and white painted gable pediments. The asymmetric design includes irregular fenestration and a rear ground floor bay window. Given the above, I find the special interest of the LB, insofar as relevant to the appeals, to be related to the unusual architectural design, which remains clearly legible despite later extensions, and that illustrates the merging of Old English and Queen Anne styles and anticipates the architect's work at Bedford Park.
20. The proposal would attach to the rear of the 20th century 2-storey extension that infills the south-west corner of the house between the ground floor drawing room and billiard room in the original design. The 20th century extension is finished in brick with a tile roof and windows to match its host. However, it is slightly out of scale and generally uninspiring, lacking the details such as hanging tiles, pedimented gables and cill bands that characterise the 1871 house.

21. The extension would span much of the 20th century ground floor rear elevation. As it would not directly affect the 1871 house, there would be no loss of historic fabric. However, it would be viewed in close juxtaposition with the original Norman Shaw house, including the distinctive rear bay window.
22. The proposal would be much wider and deeper, and therefore considerably larger, and out of proportion with the bay window. Neither the flat roof of the extension nor the roof lantern would align with the roof level of the bay window. Moreover, the proposed windows would not reflect the scale, design or proportions of the windows in the host dwelling. By virtue of its design and comparatively large scale, the extension would overwhelm and reduce the prominence of the early bay window, to the detriment of an appreciation of the original design.
23. The Heritage Assessment notes that the proposal would result in a mild contradiction and subtle tension, but nevertheless considers it would achieve a quiet and sympathetic equilibrium. However, taking into account its size, siting and design, I find that the contemporary proposal would be an inauthentic addition that would not complement the 1871 house. The proposal would not be sympathetic to the distinctive original design, rather it would increase the prominence of the incongruous 20th century extension.
24. The LB has been altered externally, including the 20th century extension, the external escape staircase to the north elevation and the reduction of the tall chimney stacks. The submitted Heritage Assessment considers that if the property had not been altered, it would potentially have been eligible for Grade II* listed status as an important example of the distinctive style designed by a celebrated architect. Notwithstanding that the previous alterations have eroded the special interest of the LB, they do not provide a justification for a proposal that would further detract from the legibility of the original design.
25. Given the above, I find that the proposal would fail to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
26. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Given the scale of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
27. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. In this case, the additional living space would be a private benefit. There would be minimal economic benefits during works. The viable residential use of the appeal property is not dependent on the proposal. The primarily private benefits are not sufficient to outweigh the harm that I have identified.
28. Given the above, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 212 of the Framework and conflict with saved LP policy 86 that seeks, among other things, to ensure that extensions do

not dominate or mask the form or appearance of the original, unbalance or otherwise detract from the LB by reason of scale, materials, siting or design. As a result, the proposal would not be in accordance with the development plan.

Other Considerations

29. Planning permission and listed building consent (Refs: 5/2005/1704 and 5/2005/1766) was granted in 2005 for a conservatory to the west elevation. The evidence indicates that the proposal would be both larger and more visually prominent than the earlier scheme. Even if the earlier permission was a realistic fallback position, it would not weigh in favour of the scheme.
30. The scheme was amended following refusal of planning permission and listed building consent (Refs: 5/2022/0194 and 5/2022/0195) for a single storey rear extension. The amendments do not weigh in favour of the proposal.
31. The appellants considers that the proposal would be an upgrade and increase the viability of Harper House for 21st century living. However, while it may not have a conservatory, the LB is a large property with outbuildings, including in the garden. The kitchen that would be extended faces roughly south and it is extensively glazed to 2 elevations. Notwithstanding the appellants' aspirations and expectations in relation to modern living standards, there is little evidence that the dwelling fails to provide a high standard of internal living accommodation or private outdoor space. The appellants' desire for a glazed extension is a neutral factor.

Green Belt Balance

32. I have concluded that the proposal would be inappropriate development in the Green Belt, in conflict with the local and national policies that protect the Green Belt. There would be minor harm to the openness of the Green Belt. In accordance with the Framework, these matters attract substantial weight. The harm to the designated heritage asset weighs significantly against the proposal.
33. On the other hand, there are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harm. Therefore, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

34. For the reasons set out above, I conclude that the appeals should be dismissed.

Sarah Manchester

INSPECTOR