



Appeal Decision

Site visit made on 18 March 2025

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 13 May 2025

Appeal Ref: APP/B1930/D/25/3358506

40 Osprey Drive, St Albans, Hertfordshire AL4 0LU

- 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 Mark Semenenko against the decision of St Albans City and District Council.
 - The application Ref is 5/24/1732
 - The development proposed is described as three storey side and single storey rear extension following demolition of garage with internal alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. It has been brought to my attention that a draft local plan is emerging. However, this has not yet been the subject of an examination in public and therefore currently attracts very limited weight. I shall determine the appeal on this basis.
3. The Government published a revised National Planning Policy Framework (the Framework) in December 2024. It does not change the planning policy context in respect of the main issues, and I have determined the appeal accordingly.

Main Issues

4. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt having regard to the Framework and any other relevant policies;
 - the effect of the proposed development on the openness of the Green Belt; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the extension constitutes inappropriate development in the Green Belt

5. The appeal property is situated in the Metropolitan Green Belt. The Framework indicates that the fundamental aim of the 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. The Framework further establishes that development in the Green Belt should be regarded as inappropriate subject to a number of exceptions as set out in paragraph 154. One such exception being an extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. Policies 1 and 13 of the City and District of St Albans Local Plan Review (Adopted 1994) (LP), taken together are broadly consistent with the Framework insofar as they seek to apply national Green Belt policy to protect the openness and character of the Green Belt. The limited extension of existing dwellings is supported provided it is modest in scale so as not to create a significantly larger building, visually well integrated with the rural surroundings, has no significant impact on the character and appearance of the countryside and does not harm the ecology, natural beauty or amenity of the countryside.
7. The Council's Supplementary Planning Guidance: Residential Dwellings in the Green Belt (May 2004) (SPG), provides guidance on what may represent disproportionate additions along with other criteria relating to the character and appearance of proposals.
8. The SPG provides guidelines on size ranges for extensions which may be acceptable of between 20% and 40% increase in floor area and up to 300 cubic metres in volume. The SPG makes clear that these are not rigid limits. However, the Council states that the proposal before me would represent an increase in floorspace of approximately 62% and would increase the cubic content of the property by approximately 224 cubic metres. These figures are not disputed by the appellants. I accept that the proposal performs well against some of the criteria found in the SPG. However, in this instance, due to the enlargement of the original building, and notwithstanding the flexibility within the SPG, the proposed increase in floor space would be well in excess of the values considered to be appropriate in such circumstances. The proposal would therefore be contrary to the guidance in the SPG overall.
9. Consequently, I conclude that the dwelling would be substantially larger than the original building. As a result, the proposal would amount to a disproportionate addition to the dwelling and therefore would not accord with the exception set out in paragraph 154 c) of the Framework. It would accordingly amount to inappropriate development in the Green Belt which is by definition, harmful to the Green Belt, and I attach substantial weight to the harm it would cause. It would also fail to conform with LP Policies 1 and 13 which set out the Council's approach to development on the Green Belt.

The effects of the development on the openness of the Green Belt

10. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal property is located on the edge of a residential estate

surrounded by open fields. Notwithstanding the residential development upon which the appeal site is situated, the openness of the Green Belt is evident in its wider context.

11. The appeal proposal would increase the volume and mass of the existing building. Given the scale and location of the proposal on the edge of the built-up area of the estate, the impact on the openness of the Green Belt would be limited. Nevertheless, this factor weighs against the proposal. Therefore, as the proposal would represent a disproportionate addition to an existing building it would result in a loss of openness which the Framework identifies as being an essential character of the Green Belt.

Other considerations

12. The Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
13. I note that the Council's reason for refusal did not relate to the character and appearance of the proposal. However, this matter was considered in the officer's report and the appellants have addressed it in their statement of case. The proposed development would be domestic in scale, of a compatible design to the existing building as well as the character and appearance of the street scene. In these respects, there would be no conflict with the objectives of LP Policies 69 and 72. Further, despite the proposal performing well in relation to the criteria within the SPG relating to matters of character and appearance, as I have found that the proposal would represent a disproportionate addition to the dwelling these factors do not outweigh the harm that I have found in this respect.
14. I acknowledge that, due to the location of the property the extension would not result in a terracing effect or loss of gaps between dwellings. I further, appreciate that it would not have any adverse impact on parking provision or indeed the living conditions of any neighbouring residents. However, these considerations do not render the scheme acceptable nor overcome that harm that would be caused to the Green Belt if the development were to go ahead. I can therefore afford them only very limited weight in the planning balance.
15. The provision of additional living accommodation, as proposed here, is a private benefit which does not weigh in favour of the appeal. I therefore attach little weight to this benefit.
16. The appellants have drawn my attention to two planning permissions close by on Osprey Drive and on Milvus Road for two-storey side extensions. I do not consider that the two developments are directly comparable in respect of, along with other things, their location between neighbouring houses, rather than as here on the edge of the development. Furthermore, I have no information before me regarding their size over and above the original dwellings or how they came into being. I therefore afford this matter little weight.
17. Consequently, the proposal would represent development which is a disproportionate addition over and above the original building to which no very

special circumstances have been demonstrated that would outweigh the harm to the Green Belt.

Conclusion

18. In summary, the proposal would be inappropriate development in the terms set out in the Framework and would result in a harmful loss of openness, albeit limited to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt.
19. For the reasons set out above the harm to the Green Belt would be clearly outweighed by other considerations and, therefore, the very special circumstances required to justify the grant of planning permission have not been demonstrated. The appeal should therefore be dismissed.

Philip Willmer

INSPECTOR