



Appeal Decision

Site visit made on 20 May 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 May 2025

Appeal Ref: APP/A1910/D/24/3357556

Frith, Chesham Road, Wigginton, Tring, Hertfordshire HP23 6HH

- 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 Steve Walker against the decision of Dacorum Borough Council.
 - The application Ref is 24/01718/FHA.
 - The development proposed is for a single rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I saw on my site visit that an extension to the existing building, subject of a different planning application¹ (previous extension), is currently under construction. Furthermore, the footings of the extension subject of the appeal proposal have been constructed. I have considered the appeal based on the plans before me.

Main Issues

3. The main issues are:
 - whether the proposed extension would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework) including the effect 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 clearly be outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

4. Frith is a semi-detached dwelling located within a row of dwellinghouses that front Chesham Road. This part of the route is tree lined and a mature hedgerow borders the agricultural fields located on the opposite side of the road. A woodland area is located to the rear of the long narrow gardens to the rear of Frith and neighbouring dwellings.

¹ Council ref: 22/00813/FHA Two storey side and single storey rear extension – granted May 2002

5. Policy CS5 of the Dacorum Borough Council Core Strategy 2006-2031 (2013) (CS) states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt. This policy further specifies that limited extensions to existing buildings within the Green Belt will be permitted in certain circumstances. This includes at (c) for limited extensions to existing buildings. The CS does not provide a definition of 'limited' and this is therefore a matter of planning judgement.
6. The Framework advises that the essential characteristics of Green Belts are their openness and their permanence, and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Development in the Green Belt is inappropriate unless one of the specified exceptions applies. This includes, under part (c) of paragraph 154, 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.
7. My attention has been drawn to Policy 22 of the Dacorum Borough Local Plan (2004) (LP) which supports extensions to dwellings in the Green Belt, providing the resulting building would be less than 130% of the floor area of the original dwelling. The Council have not cited Policy 22 of the LP within its decision and there is no dispute between main parties that this policy, read as a whole, is only partly consistent with the Framework. Accordingly, whilst this figure is a useful guide, I attach only modest weight to this policy. Whether the extension represents a disproportionate addition over and above the size of the original building is also therefore, a matter of planning judgement.
8. The term 'original building' is defined in the Glossary to the Framework as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built. It is evident from the planning history and from my own observations on site, that the original building has been extended significantly increasing its floorspace, volume and footprint. Indeed, the Council indicate that the floorspace of the original dwelling has already increased by 169%, and the appeal proposal would result in an overall increase in floorspace of 198%. These figures are not disputed by the appellant.
9. Even though the size of the proposed extension is small when compared to previous extensions to the building, it cannot be considered in isolation and the total size of the existing and proposed extensions combined, would result in a significantly larger dwelling. The Council indicates that the resulting floorspace would be more than double. This would evidently represent a disproportionate addition. Accordingly, the proposed development would not meet the exception set out in paragraph 154 (c) of the Framework. Moreover, it follows that the proposed development would not represent a limited extension as set out in Policy CS5 of the CS.
10. The appellant indicates that the proposed extension could meet the exception under part (g) of paragraph 154 of the Framework which allows for the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt. The terms 'limited infilling' is not defined in the Framework. Infill is a term which more commonly relates to development in a gap in an otherwise built-up frontage. In any case, as the extension is not limited, by the same token, it would not be limited infilling. Moreover, the appeal proposal is for a

house extension and would not constitute 'partial or complete redevelopment of previously developed land'. Accordingly, the proposed development would not meet the exception set out in paragraph 154 (g) of the Framework.

11. The visual effects of the proposed extension would be limited, given its location to the rear of Frith and limited views that would be achievable from the public realm. Even so, it would likely be visible from neighbouring gardens and spatially, it would result in the introduction of built form where there would have previously been none. When the spatial and visual effects are taken together, there would be a modest loss to openness. This would add to the harm to the Green Belt identified by reason of inappropriateness in relation to paragraph 154 (c) of the Framework.
12. I conclude that the proposed extension would be inappropriate development in the Green Belt having regard to the development plan and the Framework and would not preserve the openness of the Green Belt. There would be conflict with Policy CS5 of the CS which seeks apply national Green Belt policy to protect the openness and character of the Green Belt and to limit extensions to existing buildings.

Other considerations

13. In determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. My decision has the potential to affect persons with one or more protected characteristic having regard to the PSED. The appellant indicates that the proposed extension is required to help accommodate their elderly parents in need of care. Since the appellant has not shown that the extension is the only option available, I can only attach moderate weight to the need for additional space as a consideration in favour of a grant of permission.
14. The evidence indicates that the construction of an outbuilding could represent an alternative option to the appeal proposal. I have no substantive evidence before me, such as a lawful development certificate, to indicate that there is a more than theoretical prospect of an alternative fallback such as this being implemented. I also note that the appellant would be willing to accept a condition removing permitted development rights should the appeal be allowed to prevent both the appeal proposal and the outbuilding being constructed. Even if an outbuilding would have a greater effect on the openness of the Green Belt than the appeal proposal, a condition to prevent its erection is unlikely to pass the test of reasonableness or necessity².
15. There would be small economic benefits associated with jobs created during construction which could support the local economy. However, in the context of the local economy those benefits would attract limited weight.
16. As the appeal site is located within the Chilterns National Landscape (formerly known as the Chilterns Area of Outstanding Natural Beauty), I am conscious of my duty under Section 245 of the Levelling-up and Regeneration Act 2023 to seek to further the purpose of conserving and enhancing the natural beauty of the area.

² Paragraph: 017 Reference ID: 21a-017-20190723 of the Planning Practice Guidance

The Framework requires great weight to be given to conserving and enhancing the landscape and scenic beauty of the area. The effect of the appeal proposal on the landscape is not a matter in dispute between the main parties and I am satisfied having seen the site that it would conserve the landscape and scenic beauty of this National Landscape. The effect of the appeal proposal upon the living conditions of neighbouring occupiers is also not a matter in dispute between the main parties and I find no reason to disagree. However, an absence of harm in these respects, is a neutral factor that weighs neither for nor against the development.

17. The appellant suggests that Council justification for approving the previous extension should be applied to the appeal proposal. However, this is not a matter for this appeal, and I have made my decision on the basis of the merits of the proposal, local and national planning policy and my own planning judgement.
18. My attention has been drawn to two appeal decisions. Unlike the appeal proposal, the extensions proposed at Feldon Orchard³ and The Grange⁴ were not considered to represent inappropriate development in the Green Belt. Furthermore, I have limited information before me, such as the plans and details of any previous extensions to these buildings. As such, I cannot be certain that these examples are directly comparable to the appeal proposal.

Green Belt Balance

19. The extension constitutes inappropriate development in the Green Belt to which I attach substantial weight. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The extension would also result in a modest effect on the openness of the Green Belt.
20. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The appellants' need for the extension to help accommodate their elderly parents and the other considerations put forward carry no more than moderate weight. On balance, the substantial weight to be given to Green Belt harm, is not clearly outweighed by other considerations in this case and therefore the very special circumstances required to justify the extension do not exist.
21. Furthermore, having regard to the PSED, the dismissal of the appeal is a proportionate and necessary approach as the harm caused by the appeal development outweighs its benefits in terms of eliminating discrimination against persons with the protected characteristic, advancing equality of opportunity for those persons and fostering good relations between them and others.

Conclusion

22. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR

³ Appeal ref: APP/A1910/D/22/3297951

⁴ Appeal ref: APP/A1910/D/23/3326747