



Appeal Decision

Site visit made on 8 July 2011

by John Felgate BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 July 2011

Appeal Ref: APP/C1950/D/11/2152717

'Wildewood', Kentish Lane, Essendon, Herts AL9 6JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr B Bester against the decision of Welwyn Hatfield Borough Council.
 - The application Ref S6/2011/208/MA, dated 7 February 2011, was refused by notice dated 12 April 2011.
 - The development proposed is an extension to create new orangery with basement.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of an orangery with basement, at 'Wildewood', Kentish Lane, Essendon, Herts AL9 6JG, in accordance with the terms of the application, Ref S6/2011/208/MA, dated 7 February 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used on the external surfaces shall match those used in the existing building.
 - 3) The development shall be carried out in accordance with approved plans Nos 10424/P/002A and 003A.

Application for costs

2. An application for costs has been made by the appellant against the Council. That application will be the subject of a separate Decision.

Background to the appeal

3. Prior to 1997, the appeal site contained a dwelling and commercial nursery, with glasshouses and barns. In December of that year, planning permission was granted to replace these with a new house and garage (Ref S6/0173/97/FP).
4. In March 1998 an alternative permission was granted, for a dwelling that included a conservatory, dormers and garden store (S6/1052/97/FP). This latter permission was implemented, and resulted in the present dwelling known as Wildewood.
5. In June 2005 permission was granted for the addition of an orangery to the eastern side of the house (S6/2005/586/FP). This permission was unimplemented and lapsed in June 2010.

Relevant planning policies

6. The site is within the Metropolitan Green Belt. The relevant development plan policy is Policy RA3¹. That policy allows extensions to dwellings in the Green Belt, provided that two requirements are met. The first of these is that the proposal, together with any other extensions to the original dwelling, should not result in a disproportionate increase in size. The second is that the scheme should not have an adverse visual impact on the surrounding countryside's character, appearance or pattern of development. The relevant legislation requires that my decision is made in accordance with this policy unless material considerations indicate otherwise.
7. In addition, national policy in *PPG2, Green Belts*, defines certain types of development in green belts as inappropriate. However, the extension of an existing dwellings is not inappropriate, as long as it does not result in disproportionate additions over and above the size of the original building. This advice is a material consideration.

Main issues

8. From the information before me, the main issues in the appeal are whether the proposed orangery and basement would accord with the above Green Belt policies; and if not, whether the resultant harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development in the Green Belt.

Reasons for decision

9. Both Policy RA3 and PPG2 require a comparison to be made with the size of the 'original' dwelling. However, what constitutes the original is not defined. The Council argues that the comparison should be based on the dwelling that was demolished. But in the present case, that would ignore the other buildings that were also on the site prior to the 1998 permission. The comparison that the Council seek to make would therefore be a somewhat misleading one.
10. The appellant, on the other hand, contends that the comparison should be based on the dwelling that exists now, in its original form, as at the date when it was built. This alternative has the merit of avoiding the need to refer back to an historic situation, about which I have little information. Nothing in Policy RA3 or its accompanying text, or in PPG2, appears to preclude this way of assessing proportionality. In the circumstances, I agree that this is the most sensible and pragmatic way to proceed.
11. The present house has two main floors, with a single-storey projection on its western flank, plus a basement and accommodation in the roofspace. Based on the Council's figures, the existing floorspace amounts to 505 sq m. As far as I am aware, the building has not been extended since it was completed, and hence this floorspace is all part of its original size. The development now proposed would be a single-storey addition to the east side, of around 8.7m x 4.2m (as shown on the submitted drawings), plus a basement of the same size. Comparing these figures, I can see no basis on which an extension of this modest size could be considered to be disproportionate to the existing very substantial building. Consequently, the proposed development would not constitute inappropriate development in terms of the definition in PPG2, and would satisfy the first criterion of Policy RA3.

¹ In the Welwyn Hatfield District Plan, adopted April 2005

12. With regard to Policy RA3's second criterion, given the extent of the 1.6ha site, and the mature screening around it, I agree with the Council that the scheme would have no adverse visual impact. For the same reasons, the Green Belt's openness would not be significantly affected.
13. I note that permission was granted in 2002 for the conversion and extension of the garage to form staff accommodation, and in 2003 for alterations to the garage roof. However, the garage is a separate building, some distance from the house. The Council does not seek to argue that these permissions are relevant to the issues in the present appeal, and I see no reason to disagree.
14. For these reasons therefore, I conclude that the new orangery and basement now proposed would not conflict with the Green Belt policies that I have identified. As a result of this conclusion, it is not necessary for me to go on to consider whether any very special circumstances exist, since no harm to the Green belt has been demonstrated.

Other matters

15. The above-ground part of the development would be virtually identical to that permitted under the previous permission, granted in June 2005 (shown in Drawing No CLS 173/504). The present appeal scheme differs in that it includes a basement, but nothing in the Council's case suggests that this element is a source of contention, or is seen as significant in any way. As far as I can tell, there have been no changes of policy or any other new factors in the intervening period. The fact that a previous permission was granted so recently, for such a similar scheme, is a consideration to which I attach significant weight. Had it been necessary for the appellant to demonstrate very special circumstances, it seems to me that this would have been such a circumstance. This reinforces my view that the present proposal is acceptable.
16. Furthermore, Wildewood is a particularly attractive and well-proportioned house, whose design is symmetrical except for the presence of the existing projection to the west. The design of the proposed orangery is in keeping with that of the house, and would mirror the west wing, giving balance and added symmetry to the whole. Although carrying less weight than the Green Belt matters discussed above, I find this to be a further consideration counting in favour of the proposed development.
17. I agree that any permission should be subject to a condition requiring the use of matching materials, to ensure a satisfactory appearance. The conditions that I have imposed also include a requirement for the development to adhere to the approved plans. This latter condition is necessary for the avoidance of doubt, and in the interests of good planning.

Conclusion

18. Having taken account of all the matters raised, I conclude that the proposed development would comply with Green Belt policies, and would cause no harm either to the Green Belt itself or in any other way. The appeal is therefore allowed.

John Felgate

INSPECTOR