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# Appeal Decision

Site visit made on 9 May 2012

**by C Tokley MRTPI Dip Env Planning**

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

**Decision date: 16 May 2012**

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**Appeal Ref: APP/C1950/D/12/2172739**

**'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 Council.
  - The application Ref S6/2011/2227/MA was refused by notice dated 10 February 2012.
  - The development proposed is erection of linked swimming pool and gym outbuilding and construction of associated terrace with retaining walls.
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## Decision

1. The appeal is dismissed.

## Point of clarification

2. The documents, including those submitted by the appellant, have no consistent house name or address for the appeal property. In the interests of consistency I have adopted the address used by the Inspector in the previous appeal (ref APP/C1950/D/11/2152717 dated 22 July 2011).

## Main issues

3. The main issues are whether:-
  - a) the proposal is inappropriate development in the Metropolitan Green Belt
  - b) there is any other harm arising from the proposal; and if so
  - c) whether the harm as a result of inappropriateness and any other harm is clearly outweighed by other considerations such that very special circumstances exist that may justify the grant of permission.

## Reasons

### *Inappropriate development*

4. The National Planning Policy Framework (NPPF) indicates that inappropriate development is by definition harmful to Green Belts and should not be permitted except in very special circumstances. The NPPF goes on to indicate that "substantial weight" should be given to any harm to the Green Belt and that very special circumstances will not exist unless the harm as a result of inappropriateness and any other harm is clearly outweighed by other considerations.
5. The NPPF indicates that new buildings are normally inappropriate in Green Belts. Exceptions to this are set out in paragraph 89 which indicates that 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 may not be inappropriate development.
6. The Welwyn Hatfield District Plan (LP) was adopted in April 2005. Policy RA3 (Extensions to dwellings in the Green Belt) indicates that within the Green Belt extensions to dwellings and outbuildings, both individually and when considered with other extensions, should not result in a disproportionate increase in the size of the original dwelling. I consider that Policy RA3 is consistent with the objectives of the NPPF as regards the protection of the Green Belt and I therefore give it significant weight.
  7. The large dwelling on the appeal site replaced a much smaller dwelling with its associated commercial nursery buildings. The LP does not define "original dwelling"; however when determining the appeal in July 2011 the Inspector took the view that, in the light of the circumstances of its planning permission, the replacement dwelling should be regarded as the "original" dwelling. The Council has also adopted that position and in the circumstances of this case I see no reason to dissent from that approach. The replacement dwelling is therefore the starting point for the determination of whether the proposal would be disproportionate.
  8. There is a considerable disparity between the Council's figures and those of the appellant as regards the extent to which the floorspace within the buildings at Wildewood has been increased since the creation of the replacement dwelling. In his calculations the appellant does not include the erection and extension of an outbuilding or the erection of garden stores and a greenhouse. These developments pre-date the 2011 appeal which was against the Council's decision to refuse permission for an orangery extension at the eastern end of the dwelling. In allowing that appeal the Inspector commented that the Council did not seek to argue that the outbuildings were of relevance and the Inspector took a similar view. Nevertheless, discounting those developments the appellant indicates that in his view the proposal when taken together with the orangery (which was under construction at the time of my visit) would result in an increase in floorspace of just under 60%.
  9. Neither the NPPF nor the LP defines "disproportionate" and in the absence of clear guidelines each proposal must be considered on its own merits having regard to the objectives of policies for development in the Green Belt. I do not disagree with the appellant's view that the proposal would be subordinate to the dwelling; however its overall length and width would be greater than the original house and the facades of the building would be more than 60% of the eaves height of the dwelling. I consider that as regards both its size and character the proposal would represent a very substantial and significant addition to the original dwelling. Taking account of the aim of the NPPF to protect Green Belts from development I consider that taken together with the orangery the proposal would represent a disproportionate addition to the original dwelling and would therefore be inappropriate development.

#### *Other harm*

10. Wildewood has two main floors with additional accommodation within its roof space that is principally lit by rear dormers. The dwelling lies in wooded countryside some distance from the road. Despite its size the mature trees and shrubs on around the site combined with the boundary fencing and

location of the house on lower ground result in it being largely screened from public view.

11. The proposed building would enclose an existing outdoor swimming pool that is set into rising land between the house and Kentish Lane and is currently served by a small changing room at its western end. The swimming pool is enclosed by walls; however the proposed building would be higher and possess three dimensional bulk. The proposal has been designed with classical facades to reflect the character of the house to which it would be connected by a glazed link. As a result of its siting the building would not detract from the character or appearance of the countryside; however it would be a substantial addition to the original dwelling more than doubling its width across the site. Although not in public view the presence of a building of this size would detract from the openness of the Green Belt and thereby conflict with one of its essential characteristics.

*Other matters*

12. The appellant draws attention to the 2011 appeal in relation to the orangery pointing out that the Council argued a similar case and the appeal was allowed. However that proposal was for a much smaller building than that now proposed and the Inspector concluded that it did not represent inappropriate development.

**Conclusion**

13. I have concluded that the proposal would be inappropriate development in the Green Belt that would conflict with LP Policy RA3 and would also detract from the openness of the Green Belt. The appellant has raised no matters that clearly outweigh the harm as a result of inappropriateness and the effect of the proposal on openness. Having had regard to all matters I have concluded that very special circumstances do not exist and that there is no justification for inappropriate development. I therefore dismiss the appeal.

*Clive Tokley*

INSPECTOR