

**TOWN & COUNTRY PLANNING ACT 1990**

**APPEAL BY MR & MRS P HARGREAVES**

**AGAINST THE DECISION OF WELWYN HATFIELD  
BOROUGH COUNCIL TO REFUSE PLANNING  
PERMISSION FOR THE ERECTION OF A PART  
SINGLE, PART TWO STOREY REAR EXTENSION  
WITH BALCONY AT**

**GREY GABLES, 3 LYSLEY PLACE,  
BROOKMANS PARK, HATFIELD, AL9 6NZ**

**LOCAL AUTHORITY REFERENCE  
S6/2014/510/FP**

**HERTFORD PLANNING SERVICE  
JULY 2014**

## **GROUNDS OF APPEAL**

### **1.0 THE APPEAL SITE**

- 1.1 The property known as Grey Gables is one of three detached dwellings that stand along the eastern side of a small gated development on the northern side of the B157 and to the south-east of Brookmans Park. It is a two storey dwelling built pursuant to a 1998 planning permission that involved the erection of 3 replacement dwellings and some barn conversions to create a total of 6 new dwellings at Queenswood Home Farm.
- 1.2 The dwelling lies between the other two replacement dwellings, Stocks to the north and The Well House to the south. It has part brickwork, part rendered walls beneath a tiled roof. It is a 5 bedroom house with a central two storey section comprising kitchen, dining room and sitting room on the ground floor with the 4 bedrooms, en-suite and family bathroom above. Either side of the two storey section are single storey side extensions that offer a garage and lounge on the northern side and another bedroom and en-suite on the south side. Details of the existing floor plans are shown on drawing No 1680 PL02 and the side and rear elevations on drawing No 1680 PL04.
- 1.3 The courtyard of which the property is a part is served off a curved driveway leading from the gated and landscaped access off the B157. The group of houses around the courtyard stands some way back from the road, behind a heavily screened frontage. Grey Gables has a long rear garden running south-eastwards towards its landscaped boundary with a flat roofed row of garages serving a relatively modern cul-de-sac development of housing known as Ramsey Close.
- 1.4 All of development in this area lies within the Green Belt; although it would be true to say that whereas the Ramsey Close houses are relatively open to the road and lack any real softening features from the B157, the Lysley Place group of which Grey Gables is a part can only be glimpsed through the substantial planting that borders the eastern side of the road. Being the central dwelling of the three, Grey Gables itself cannot be seen from any public vantage points.

### **2.0 THE PROPOSED DEVELOPMENT**

- 2.1 The appeal development involves adding a single storey rear extension to square off the rear elevation of the section between the existing kitchen and ground floor bedroom. The rear hipped roof single storey section of the existing kitchen would be replaced with a flat roofed extension and the work at ground floor level would effectively fill in an area that is just over 6m wide and 3m deep, to enlarge the kitchen sideways and to provide a small dining area. This is shown on drawing No 1680 PL03 Rev A, overlaying the existing ground floor plan.
- 2.2 A first floor would be added to enlarge bedrooms 2 and 3 above the area that is to be infilled at ground floor level. The proposed first floor is also shown on

drawing No 1680 PL03 Rev A. A balcony would be provided above the single storey flat roofed replacement kitchen section, accessed through new patio doors from the master bedroom on the first floor. The extension to bedroom 3 would enable part of the retained room to become an en-suite.

- 2.3 The extension would be constructed with painted rendered walls and a tiled roof. The two storey section would have a gabled roof with its ridge height lining up with the existing ridge. Neither the single nor the two storey rear extension would project further rearwards than the existing kitchen, with the ground floor lounge and bedroom at either end of the house continuing to project beyond the enlarged central section.

### **3.0 THE COUNCIL'S DECISION**

- 3.1 Despite the relatively small amount of new floorspace proposed in this case it is the Council's view that the rear extension would be a disproportionate addition to the original replacement dwelling that constitutes inappropriate development that would have a detrimental impact upon the openness, character and visual amenities of the Green Belt and surrounding area. Whilst it is acknowledged that the appeal dwelling lies within the Green Belt, beyond the built-up area of Brookmans Park, it is not considered that the works involved in this case would cause any identifiable harm to the openness of the Green Belt in this location. In order to be able to appreciate how and why the case officer reached the conclusion that the development would be harmful to the area we have looked at the delegated report, which establishes that the main planning issues as:

- a) *The principle of development and the impact of the proposal on the openness of the Green Belt, character and appearance of the existing property and the surrounding area (NPPF paragraphs 79 – 89, Policies GBSP1, RA3, RA10, D1 and D2 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance),*
- b) *The impact on the residential amenity of nearby and neighbouring properties (Policy D1 of the Welwyn Hatfield District Plan 2005)*
- c) *The impact on parking provision (M14 and SPG)*

- 3.2 On the issues of neighbouring amenity and parking provision the case officer found no objection and the refusal of the application was not based upon those two considerations. It was an objection based upon the principle of adding the proposed extension to the dwelling and whether or not it constitutes a disproportional addition that led to the refusal of the application.

- 3.3 We now intend to look more closely at the case officer's analysis of the proposed development in the context of the NPPF and Policy RA3, drawing heavily upon what he says about the principal issue of its impact upon the Green Belt. In many respects it will become clear that we agree with much of his assessment, although we arrive at a different conclusion in terms of the harm that it is alleged to cause in the single reason for refusal.

### **3.4 Disproportionality**

- 3.4.1 Neither Policy RA3 nor the NPPF define disproportionality for the purposes of assessing the impact of an extension upon the Green Belt and no quantitative threshold is set out in either the policies or the supporting texts. In this case, the case officer starts his analysis of the appropriateness of this development by making a floor space comparison with the original building, as it existed in 1948. However there must, in our view, be some doubt about whether or not this is the correct approach, given that the existing dwelling is not the original dwelling, having been erected as a replacement in 1998. The case officer then goes on to assess that the proposed extensions in this appeal represent a 69% increase over and above the original (1948) dwelling, which is not actually Grey Gables as it was originally constructed. It was built as a replacement for the original, signalling the start of a new chapter in its planning history.
- 3.4.2 Policy RA3 of the Local Plan does not define what is meant by the original dwelling, although 'original building' is defined within Annex 2 of the National Planning Policy Framework as being a building as it existed on 1<sup>st</sup> July 1948 or, if constructed after 1<sup>st</sup> July 1948, as it was originally built. In this case Grey Gables was constructed (originally built) after 1<sup>st</sup> July 1948 which would indicate that it is an original building for the purposes of assessing whether or not any extension to it would be disproportionate. This conclusion is endorsed by the terms of Policy RA4 of the Local Plan relating to replacement dwellings, which implies that the building to be replaced is the original dwelling, and not its replacement.
- 3.4.3 So, in our view, the case officer's calculation that the appeal development would represent a 69% increase over and above the original 1948 dwelling is neither the correct nor an accurate starting point for assessing disproportionality. The extensions should, we believe, be assessed as an increase over and above the replacement dwelling, and whilst the replacement dwelling has subsequently benefitted from permissions for single storey extensions in 2002 and 2005, the cumulative increase as a result of these would be less than 69%.
- 3.4.4 In our view, under the terms of the NPPF, the 1998 replacement dwelling is the original building for the purposes of paragraph 89 relating to extensions to dwellings in the Green Belt and an assessment of disproportionality. However, we agree with the case officer when he says that looking at percentage increases is not conclusive and not the only measure of whether an extension is considered to be disproportionate.
- 3.4.5 Having suggested that the NPPF test is primarily an objective one based on size, the case officer goes on to subjectively assess that this proposal would add considerable mass and bulk and would be seen as a sizable increase in volume and built development on this site. In this respect he considers that it would be inappropriate development. He does not, however, examine the proposed extension in the context of how or why it would harm the openness of the Green Belt in assessing whether not it would be disproportionate. He

looks at this aspect of the development later in his report, under the heading impact upon the openness of the Green Belt.

- 3.4.6 The rear extension is modestly proportioned and positioned between the two single storey wings. Only a small section of it would be visible and only then from the side and rear, and not from any public vantage point. The outer footprint of the dwelling would not be enlarged and the property would retain its large private garden. In our view all of these factors combine to ensure that the openness of the Green Belt in this area would not be harmed.
- 3.4.6 After looking at the appropriateness of the development the case officer then moves on to assess whether or not the extension would conflict with any of the 5 purposes of including land within a Green Belt.

### **3.5 Purposes of including land in the Green Belt.**

- 3.5.1 We make no apologies here for reproducing the following extract from the case officer's report insofar as it assesses the development against all of the 5 purposes of including land in the Green Belt, as set out in paragraph 80 of the NPPF:

*"It is necessary to consider whether the proposal would comply with the five purposes of including land in the Green Belt. The proposal is not considered to lead to unrestricted sprawl of a large built-up area due to its location within the existing footprint of the house. Due to its limitation to an extension of an existing dwelling house on an existing plot it would not contribute towards neighbouring towns merging into one another or threaten the countryside from encroachment. It would not impact upon the preservation of the setting and special character of historic towns or assist in urban regeneration, due to its limited nature and rural setting which is not adjacent to a historic town."*

- 3.5.2 Needless to say we agree with him on this fundamental Green Belt issue, particularly where he acknowledges that the extension is located within the existing footprint of the house.

### **3.6 Impact upon the openness of the Green Belt**

- 3.6.1 At this stage in his report the case officer examines whether or not the extension would harm the openness of the Green Belt and concludes that:

*"given the nature of the proposal, located to the rear of the dwelling, on a large site which would still remain largely undeveloped as a result of the proposed works, and the limitation of the extension within the footprint of the existing extended dwelling house, only limited weight should be afforded to this harm to the openness of the Green Belt."*

- 3.6.2 Again we agree with this conclusion and suggest that with such limited weight being afforded to the harm to the openness of the Green Belt the reference in the reason for refusal about the impact of the extension upon openness is without any foundation.

### **3.7 Impact on character and appearance and the visual amenity of the Green Belt**

3.7.1 Next the case officer deals with the impact of the extension upon the character and appearance of the area and visual amenity of the Green Belt. Here he offers the following views:

*“The impact of a development is assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. Part (ii) of Policy RA3 of the Welwyn Hatfield District Plan also requires proposals for extensions to dwellings in the Green Belt not to have an adverse visual impact (in terms of prominence, size, bulk and design) on the character, appearance and pattern of development of the surrounding countryside.*

*Concerns have been raised regarding the overall scale of the development, which would disrupt the design and character of the existing dwelling. This is as the works, when viewed in context with the existing property, add a considerable amount of mass and bulk and are not subservient in nature. However, as discussed above, the works are to the rear of the dwelling and, therefore, views of the development from the public domain are restricted. On this basis, and as materials to be used are to match those of the existing dwelling, it is judged that, on balance, the development would not generate significant and demonstrable harm to the character and appearance of the immediate streetscene and the visual interests of its surroundings to the extent that would warrant a refusal of permission.*

*Furthermore, given the nature of the works within the existing built footprint of the house, the proposal is not considered to result in a discernible change to the site with regard to its setting within the North Mymms Common and Newgate Street Framed Plateau Landscape Character Area and thus accords with policy RA10 in this regard.*

*Having regard to the above, it is considered that the proposal would not disrupt the character and context of the area, nor cause significant harm to the visual amenities of the Green Belt, to the extent that would warrant a refusal of permission. In this respect, the development accords with policies RA3 (ii), RA10, D1 and D2 of the Welwyn Hatfield District Plan and Supplementary Design Guidance, Statement of Council Policy, 2005. For the above reasons, the proposal would cause moderate harm to the visual amenities of the Green Belt which should be afforded limited weight.”*

3.8 The case officer concludes his assessment by confirming that the applicant did not seek to demonstrate any very special circumstances why permission should be granted in this case. We would suggest, however, that if, as we believe is the case here, the extension constitutes appropriate development within the Green Belt then it would not be necessary to show whether or not very special circumstances exist under the terms of paragraph 88 of the NPPF.

## 4.0 SUMMARY

- 4.1 If we return to the reason why this application was refused, it is alleged that the extension is a disproportionate addition to the original dwelling that would have a detrimental impact upon the openness, character and visual amenities of the Green Belt and surrounding area. In this case we consider that without any quantitative thresholds upon which to assess disproportionality, looking solely at the amount of additional floorspace does not provide an accurate method by which to assess whether or not the Green Belt in this area of Brookmans Park would be harmed. In any event the case officer's calculation of a 69% increase over the original 1948 dwelling is flawed when the extension is to a replacement dwelling constructed after that date. Little or no reliance can therefore be placed upon any quantitative assessment.
- 4.2 The proposed extension is at the rear of the property, limited in width and depth and one that would retain the essential form and shape of the dwelling. Although openness, character and visual amenity are cited as being the aspects of the Green Belt that would be harmed, the case officer agrees that;
- The development would not conflict with any of the purposes of including land within a Green Belt.
  - That only limited weight should be afforded to the harm to **the openness of the Green Belt**.
  - The development would **not generate significant and demonstrable harm to the character and appearance of the immediate streetscene and the visual interests of its surroundings** to the extent that would warrant a refusal of permission.
  - The proposal would cause **moderate harm to the visual amenities of the Green Belt** which should be afforded limited weight.
- 4.3 For all of the foregoing reasons the Inspector appointed to determine this appeal is respectfully requested to agree that the proposed rear extension would not be disproportionate to Grey Gables as originally built in 1998 and would not harm the openness, character and visual amenities of this part of the Green Belt, such that Mr & Mrs Hargeaves appeal should be allowed and planning permission granted accordingly.