



## Appeal Decision

Site visit made on 27 March 2015

**by Gary Deane BSc (Hons) DipTP MRTPI**

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

**Decision date: 9 April 2015**

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**Appeal Ref: APP/C1950/D/14/2222091**

**3 Lysley Place, Brookmans Park, Hatfield AL9 6NZ**

- 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 and Mrs P Hargreaves against the decision of Welwyn Hatfield Borough Council.
  - The application Ref S6/2014/510/FP was refused by notice dated 2 May 2014.
  - The development proposed is the erection of a part single, part double storey rear extension with a balcony at first level.
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### Decision

1. The appeal is dismissed.

### Main issues

2. The site lies within the Green Belt. I consider that the main issues are:
  - whether or not the proposal would be inappropriate development in the Green Belt for the purpose of the National Planning Policy Framework (the Framework) and development plan policy;
  - the effect of the proposal on the openness of the Green Belt and the purposes for including land within it; and
  - whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development sought.

### Reasons

3. The proposal is to erect a part single and part 2-storey extension at the rear of the appeal property, which is a detached house that lies within a small group of dwellings that are served off a gated drive. The new additions would partly infill the recess at the back of the main house between single storey projections on either side. A balcony would be introduced at first floor level.
  4. The Framework states that whilst the construction of new buildings in the Green Belt is inappropriate, exceptions include extensions to existing buildings provided they do not result in disproportionate additions over and above the size of the original building. Policy RA3 of the Welwyn Hatfield District Plan 2005 (DP) reflects this approach. It states that extensions to dwellings in the
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Green Belt will be allowed only where they are not disproportionate additions over and above the size of the original dwelling and would not have an adverse visual impact on the surrounding countryside. There is no definitive advice in the Framework or the DP as to what increase in size would qualify as being a disproportionate addition. That judgement is left to the decision maker.

5. The appeal dwelling is one of three houses that were granted planning permission in March 1998 as replacements to buildings that previously existed at this location (Ref S6/1997/0815/FP). Annex 2 of the Framework defines the term 'original building' as a building as it existed on 1 July 1948 or, if constructed after 1948, as it was built originally. Therefore, I share the appellants' opinion that the original building is that which was constructed under planning permission Ref S6/1997/0815/FP, which is hereafter referred to as the original building.
6. The original building has been extended and externally altered. In June 2000, the Council granted planning permission for a single storey rear extension and enclosure of the front porch (Ref S6/2000/0225/FP). In September 2005, planning permission was granted for a single storey side and rear extension (Ref S6/2005/0932/FP) that was a revision to an earlier approved scheme. These planning permissions appear to have been implemented.
7. There is no definitive estimate before me of the size of the original building or the subsequent additions made to it. In the absence of this evidence, the Council has provided copies of plans that relate to each of the approved schemes to which I have referred. From my inspection of these drawings, I consider that the single storey extensions on either side and to the rear of the original 2-storey house and its carport have significantly enlarged its footprint and greatly added to its scale and mass. I would roughly estimate from the plans supplied that the floor area and volume of the original dwelling have been increased by just less than one half.
8. The proposal would also result in a notable increase of the size of the dwelling, which according to the Officer's report would amount to just under 40sqm floor area. When taken together with the other extensions, I consider that the appeal scheme would result in a building that would be significantly larger than the original building. Furthermore, by introducing a new 2-storey element, the visual impact of the proposal would be appreciable given that the scale and bulk of the building would be noticeably increased.
9. Drawing all of these various points together, comparing the original building to the one that would result if the proposal were to be implemented, it is my opinion that the proposal would be a disproportionate addition. Consequently, I conclude on the first main issue that the proposal would be inappropriate development in the Green Belt. Accordingly, it conflicts with DP Policy RA3 (i) and the Framework. Inappropriate development is, by definition, harmful to the Green Belt and substantially so.

*Openness of the Green Belt and the purposes for including land within it*

10. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also reaffirms that the essential characteristics of Green Belts are their openness and permanence. Areas that are free of built development within the site contribute to the

openness of the Green Belt. A loss of openness occurs through the presence of a built form within the Green Belt, regardless of whether or not it can be seen.

11. By enlarging the dwelling, as proposed, the openness of the Green Belt would be reduced. That loss of openness would be limited in this case given the considerable scale and bulk of the existing building. Although there would be some infringement onto an undeveloped area at the back of the main house, the proposal would not materially conflict with any of the purposes of the Green Belt, including safeguarding the countryside from encroachment.
12. Nevertheless, the appeal scheme would impact on the openness of the Green Belt by contributing to its erosion. As such, I conclude on the second main issue that the new development would be materially harmful to Green Belt openness and so it is contrary to a fundamental aim of Green Belt policy. This harm lends additional weight against the proposal.

*Other considerations*

13. The Framework makes it clear that substantial weight is to be given to any harm to the Green Belt. It advises that that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. The provision of additional accommodation and a first floor balcony would enhance the living conditions of the appellants. The appeal scheme would make an efficient use of the land and the finished development could be expected to achieve high standards of energy efficiency. All of these matters would provide some social and environmental benefits, to which I attach moderate weight in favour of the appellants' case.
15. Constructing the development would support the local economy through the provision of jobs and the sale of construction materials. The Framework states that significant weight should be placed on the need to support economic growth through the planning system, which I have done in this instance.
16. The extensions would be appropriate in design and respond to the form and appearance of the host building and would not be visible from public vantage points. However, the most important attribute of the Green Belt is openness, and this is not directly related to visibility. The proposal would impact on openness by contributing to its erosion. Therefore, I give the design and limited visibility of the proposal limited weight in favour of the appeal.
17. According to the Council, the site falls within the North Mymms Common and Newgate Street Framed Plateau Landscape Character Area (LCA). As the proposal would be visually contained within the curtilage of the property there would be very little effect on the landscape quality and character of the LCA, which would be conserved. For similar reasons, there would be no adverse visual impact on the character, appearance and pattern of development of the surrounding countryside or the visual amenities of the Green Belt. The absence of harm with regard to each of these matters is not a positive or a negative factor that weighs for or against the appeal. These particular considerations are therefore neutral in weight.

**Conclusion**

18. Overall, I conclude that the harm caused by the inappropriateness of the proposal and its effect on the openness of the Green Belt carry substantial weight. The other considerations carry no more than significant weight.
19. Therefore, on balance, there are no considerations sufficient to clearly outweigh the harm to the Green Belt and so there are no very special circumstances to justify the proposal. Accordingly, the appeal is dismissed.

*Gary Deane*

INSPECTOR