



Appeal Decision

Site visit made on 26 October 2020

by Ian McHugh Dip TP MRTPI

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

Decision date: 18 November 2020

Appeal Ref: APP/C1950/W/20/3245949

5 Bell Lane, Brookmans Park, Hatfield, AL9 7AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Jake Livermore against Welwyn Hatfield Borough Council.
 - The application Ref 6/2019/2696/HOUSE, is dated 24 October 2019.
 - The development proposed is the erection of front porch and external alterations; extensions to roof areas comprising dormer extension to front and rear roof and amendment to rear back addition.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of front porch and external alterations; extensions to roof areas comprising dormer extension to front and rear roof and amendment to rear back addition at 5 Bell Lane, Brookmans Park, Hatfield, AL9 7AY in accordance with the terms of the application, Ref 6/2019/2696/HOUSE, dated 24 October 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AT821-01 (REV A) Site Plan; AT821-02 Existing Ground Floor Plan; AT821-03 (REV A) Existing First Floor Plan; AT821-04 Existing Elevations; AT821-05 Proposed Ground Floor Plan; AT821-06 (REV A) Proposed First Floor Plan; AT821-07 (REV A) Proposed Elevations; AT821-08 Elevational Options.
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. These are:
 - Whether the appeal development would be inappropriate development for the purposes of the National Planning Policy Framework 2019 (the Framework) and Development Plan Policy.
 - The effect of the development on the openness of the Green Belt and the purposes of including land within it.

- The effect of the development on the character and appearance of the area.
- If found to be inappropriate development, whether the 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.

Reasons

3. The appeal property is a detached dwelling, which is situated in the Green Belt. The surrounding area is semi-rural in character comprising a mix of open countryside plus residential dwellings that vary in age size and appearance. The appeal dwelling is set back from Bell Lane and is partially screened from the road by hedging and other vegetation.
4. The proposal is for a number of different elements, as described in the heading above. A previous application for larger extensions was refused by the Council in 2018. That proposal was subsequently dismissed at appeal on 12 October 2018 (APP/C1950/D/18/3207889). I have taken that decision into account in reaching my conclusion on the current appeal

Whether the development is inappropriate development

5. The Government attaches great importance to Green Belts with the fundamental aim of Green Belt policy being to prevent urban sprawl and keep land permanently open. Paragraphs 143 and 144 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, any harm to the Green Belt must be given substantial weight by decision makers.
6. The Framework then goes on to list (in paragraphs 145 and 146) development that is not inappropriate in the Green Belt. These include, at paragraph 145 c), the alteration or extension of a building, provided that it does not result in disproportionate additions over and above the size of the original building.
7. The Council states that had it determined the application, it would have been refused. Part of the reason being that the development would result in disproportionate additions to the dwelling and harm to the openness of the Green Belt. The Council contends that the development would conflict with Policies GBSP1 and RA3 of the Welwyn Hatfield District Plan 2005; with Policy SADM34 of the emerging Welwyn Hatfield Local Plan Local Plan 2013-2032; and with the relevant provisions of the Framework. Policy RA3 seeks to restrict extensions to dwellings within the Green Belt to those that would not result in a disproportionate increase.
8. There is some disagreement between the Council and the appellant regarding the amount of additions to the original dwelling property. However, on the basis of the evidence provided and my observations at the site visit, I agree with the Council and conclude that the proposal would result in disproportionate extensions to the dwelling. Consequently, the proposal would be inappropriate development in the Green Belt and it would conflict with the relevant provisions of the Development Plan and the Framework.

Openness and Purposes

9. The Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. In terms of both visual and spatial impacts, the proposal would have an impact on openness due to the additional amount of built development. However, the extensions, apart from the front porch, would be largely confined to the footprint of the existing building and they would not be higher than the existing roof. Therefore, I consider that the effect on the openness of the Green Belt would be slight.

Character and Appearance

10. The Council argues that the dormer extensions would be a poor and incongruous design and they would be a "jarring and harmful" addition to the dwelling. However, I am not persuaded that would be the case. The links between the existing dormers would be relatively small structures and the use of matching materials would help to assimilate them into the dwelling. I have also taken into account the mixed character and appearance of the area and the absence of any overriding style or design of dwellings. Accordingly, the proposal would not be harmful to the character or appearance of the dwelling or the wider area.

Other Considerations

11. The appellant refers to a number of points in favour of the proposal. These are mainly matters that I have already considered in relation to the volume and size of extensions and the design of the proposal. I have also been directed to the matter of headroom on the first floor of the existing dwelling. During my site visit, I inspected the internal areas of the property and it is clear that the landing and corridor area serving the existing bedrooms, together with the roof area of the rear projection lack sufficient headroom. Not only is this awkward and inconvenient for the occupants, but it is also potentially dangerous in the event of an emergency. Consequently, I consider that the increased headroom that would result from the development attracts substantial and significant weight in favour of the proposal.

Very Special Circumstances

12. I have found the proposal to be inappropriate development by definition. In addition, there would be some, albeit limited, harm to the openness of the Green Belt. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt. Paragraph 143 states that inappropriate development should not be approved except in very special circumstances.
13. Having regard to other considerations, I conclude that the improvement to the living conditions of the occupants of the appeal property that would result from the proposal clearly outweigh the harm that I have identified. Consequently, I consider that this amounts to the very special circumstances that are necessary to justify the development.

Conditions

14. These have been considered in the light of the advice contained within the Planning Practice Guidance.
15. A condition requiring the development to be carried out in accordance with the approved plans is necessary, for the avoidance of doubt and in the interests of proper planning.
16. To ensure a satisfactory appearance, a condition requiring the use of external materials to match the existing dwelling is also necessary

Conclusion

17. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR