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# Appeal Decision

Site visit made on 6 June 2011

**by Paul Crysell BSc (Hons) MSc MRTPI**

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

**Decision date: 20 June 2011**

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**Appeal Ref: APP/C1950/D/11/2151472**

**67 The Ridgeway, Northaw, Potters Bar EN6 4BD**

- 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 Demos Demosthenous against the decision of Welwyn Hatfield Borough Council.
  - The application Ref S6/2010/2885/FP, dated 18 November 2010, was refused by notice dated 24 January 2011.
  - The development proposed is the removal of the existing garage and the construction of a new linked garage with room above; the removal of the existing rear bay window and the installation of bi-folding doors; the construction of a single storey rear extension; roof alterations to form 2 additional bedrooms; internal reconfiguration and adaptation of the existing rear deck.
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## Decision

1. I dismiss the appeal.

## Main Issues

2. I consider the main issues are:
  - whether the proposal would constitute inappropriate development in the Green Belt and, if so,
  - 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.
  - The effect of the proposed development on a protected species.

## Reasons

3. The proposal involves various alterations and extensions to an existing chalet bungalow. This is one of a number of properties of varied style and design in a line of ribbon development in this part of the Metropolitan Green Belt. The surrounding area is rural in character with open countryside to the south of the properties and Northaw Great Wood on the opposite side of the road, containing wildlife sites and a Site of Special Scientific Interest.
4. The intended works would involve major alterations to the internal layout on the ground floor of the property and a significant expansion of floorspace at first floor level. This would be achieved through two storey side and rear extensions and alterations to the roof to provide additional and enlarged bedrooms.

5. Of relevance in this case is policy RA3 of the Welwyn Hatfield District Plan (DP) covering extensions to dwellings in the Green Belt. This is consistent with national guidance in Planning Policy Guidance Note 2 *Green Belts* (PPG2) which says that extensions or alterations to dwellings are not inappropriate in Green Belts providing they do not result in disproportionate additions over and above the size of the original building. Neither PPG2 nor policy RA3 suggest specific limits on extensions but the Council's policy also seeks to prevent schemes where, either alone or cumulatively, extensions would have an adverse visual impact on the character, appearance and pattern of development of the surrounding countryside.
6. Many of the houses along this road appear to have been altered, including both dwellings on either side of the appeal property. The appellant also acknowledges his property has been extended on previous occasions. The Council says the current proposals would increase the floorspace by approximately 200% and the footprint by 62% over the size of the original building.
7. In comparison the appellant calculates the footprint would increase by 57% because of the slightly different figure taken as the original size of the property. This difference, in my view, is not significant but the appellant argues that the current proposal would result in only a modest increase of some 7 sq. m or 7% in the footprint of the existing dwelling. I agree that the change to the footprint now proposed would be small but this ignores earlier extensions to the property. Adopting this approach would allow the indefinite expansion of a dwelling contrary to the objectives of Green Belt policy. Furthermore, the alterations at roof level would also see a substantial increase in the overall floorspace. I therefore consider the current scheme, together with earlier works, would result in a cumulative change far in excess of what might be considered reasonable. Consequently, the proposal would represent inappropriate development which is, by definition, harmful to the Green Belt.
8. I therefore turn to consider whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The design and appearance of the proposed development would not, in my opinion, adversely affect the character and appearance of the surrounding area because the building would remain broadly in keeping with the scale of other development. However, the side extension would close the gap to No. 69. This would not be so serious in the context of the existing street scene but it would make the building more prominent from the public realm.
9. The appellant refers to six appeal decisions in the Hertfordshire Green Belt where inspectors have permitted substantial building works to properties. I have not been provided with details of these cases and, in any event, I have considered this appeal on its own merits. It is also suggested that a 'fallback' position exists because an additional 23 sq.m of floorspace could be added to the property using permitted development rights. However, the additional floorspace would be substantially less than that which is currently proposed.
10. My overall view is that these considerations do not outweigh the harm to the Green Belt as a result of inappropriate development or amount to the very special circumstances necessary to justify the development. In coming to this conclusion I have also had regard to the views of Northaw and Cuffley Parish Council who are concerned that the proposed scheme would lead to overdevelopment of the site because of previous extensions to the property.

11. Turning to the third issue, Northaw Great Wood and other areas in the immediate locality provide suitable habitats for bats as confirmed by the Herts and Middlesex Wildlife Trust. Bats are a protected species, whose presence is a material consideration when considering proposals which could result in harm to a species or its habitat. Paragraph 99 of Circular 6/2005 advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations will not have been addressed in making the decision<sup>1</sup>. However, surveys are not normally required for protected species unless there is a reasonable likelihood that the species is present and would be affected by the development.
12. The proximity of the appeal site to suitable habitats means it is likely that bats forage in the immediate locality, particularly as there is a known roost within 90m of the appeal site. The appellant has referred me to a 'trigger list' for bat surveys and suggests the requisite triggers are not represented at the appeal property<sup>2</sup>. I do not agree because the dwelling is detached and of pre-1960 origins even though the building has been altered since it was built. It is also within 200m of woodland. Furthermore, the state of the roof area suggests it might be possible for bats to enter the roof void.
13. I have considered whether this matter could be dealt with by planning conditions but Circular 6/2005 advises that the need to ensure that ecological surveys are carried out should only be left to planning conditions in exceptional circumstances. There is no evidence before me to suggest this is the case. I therefore find that the presence or otherwise of bats in the property would need to be established before planning permission was granted to avoid development which could result in harm to a protected species or its habitat. To grant permission in these circumstances, or deal with this by planning condition, would conflict with the advice in PPS9<sup>3</sup> and Circular 6/2005.
14. I appreciate the appellant's wish to modernise his property but for the reasons given above and having regard to all other matters, I dismiss the appeal.

*P R Crysell*

INSPECTOR

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<sup>1</sup> Circular 6/2005, Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System

<sup>2</sup> Bat Surveys: Good Practice Guidelines, Parson et al, 2007

<sup>3</sup> Planning Policy Statement 9 *Biodiversity and Geological Conservation*