



# Appeal Decision

Site visit made on 5 May 2011

**by P B Jarvis BSc (Hons) DipTP MRTPI**

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

**Decision date: 23 May 2011**

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## **Appeal Ref: APP/C1950/D/11/2149519**

### **Kentish Grange, 39 Kentish Lane, Brookmans Park, Hatfield AL9 6NG.**

- 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 Alexander Kweller against the decision of Welwyn Hatfield Council.
  - The application Ref S6/2010/2604/FP, dated 29 October 2010, was refused by notice dated 23 December 2010.
  - The development proposed is the erection of a single-storey rear extension to form conservatory.
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## **Decision**

1. I dismiss the appeal.

## **Main Issue**

2. The main issues are:

- whether the proposal amounts to inappropriate development in the Green Belt for the purposes of Planning Policy Guidance Note 2 (PPG2) and development plan policy;
- the effect of the proposed development on the openness of the Green Belt;
- 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.

## **Reasons**

3. PPG2 sets out that inappropriate development should not be approved except in very special circumstances. Paragraph 3.4 indicates that the construction of new buildings inside a Green Belt is inappropriate unless for, amongst other things, the limited extension of dwellings. Paragraph 3.6 sets out that provided it does not result in disproportionate additions over and above the size of the original building, the extension of dwellings is not inappropriate.
  4. Policy RA3 of the Welwyn Hatfield District Plan (2005) (LP) allows for extensions to dwellings in the Green Belt provided when considered with existing or approved extensions they do not result in a disproportionate increase in the size of the original dwelling; nor should they have an adverse impact on the character of the countryside.
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5. The existing dwelling on the site is of recent construction and replaced a previously existing dwelling. Therefore, it seems to me that for the purposes of LP policy RA3, the previously existing dwelling should be taken as the original. The Council indicate that the replacement dwelling represents an increase of 44% in the floorspace of the originally existing buildings on the site, including an outbuilding, and that taking into account the proposed conservatory, this would result in a 58% increase over and above the original floorspace. The appellant does not dispute these or provide any alternative figures.
6. The Council do not appear to have guidance setting out what might constitute disproportionate extensions. However, I note that the original dwelling was of relatively modest proportions. Whilst the new dwelling appears to be of lower overall height with lower eaves levels, it extends to a greater depth such that its overall size and bulk has increased when compared to the original dwelling.
7. Overall, taking into account the above factors in the light of relevant local and national policy, I find that the proposal would not comprise a limited extension but would result in a disproportionate addition over and above the size of the original building. It would thus amount to inappropriate development in the green belt, contrary to PPG2 and to LP Policy RA3. In accordance with paragraph 3.2 of PPG2, I attach substantial weight to the harm arising.

*Effect on Green Belt openness*

8. The proposed extension would extend to just over 5 metres in depth with a pitched roof height of 3.7 metres, resulting in a further significant increase in the depth of building on the site. Whilst the proposed conservatory would be to the rear of the dwelling, it is likely that it would be at least partly seen in views across the extensive open gap adjoining the appeal site. In these circumstances the proposal would add to the extent of built development on the site and would thus have a significant effect on the openness of the area.

*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*

9. The appellant has referred to other properties within the area which are considerably larger than their original built forms, some having doubled in size. However, no information has been provided setting out the circumstances of these cases. In addition, I note that the relevant policy indicates that proposed extensions are to be considered in relation to the original dwelling on the site rather than as a comparison to others within the area. I find this matter to be of only limited weight which does not clearly outweigh the harm set out above.
10. I thus conclude that very special circumstances do not exist and therefore the appeal should be dismissed.

*P Jarvis*

INSPECTOR