

GROUNDS OF APPEAL

APPELLANT: MR & MRS JAKE LIVERMORE

APPEAL APPLICATION TYPE: HOUSEHOLDER APPLICATION

APPEAL TYPE: FAILURE TO DETERMINE WITHIN 8 WEEKS

LPA REFERENCE: 6/209/2696/HOUSE

DUE DECISION DATE: 31 DECEMBER 2019 (8 WEEKS FROM RECEIPT)

APPEAL SITE: 5, BELL LANE, BROOKMANS PARK, HATFIELD, AL9 7AY

APPLICATION PROPOSAL: ALTERATIONS TO DETACHED SINGLE FAMILY DWELLING HOUSE COMPRISING THE ERECTION OF A FRONT PORCH, AND ALTERATIONS TO THE FRONT AND REAR ROOF AREAS COMPRISING DORMER EXTENSIONS AND AMENDMENT TO ROOF OF REAR BACK ADDITION.

INTRODUCTION

This appeal is made out of frustration with the council and their failure to determine the application after 8 weeks which expired on 31st December 2019. In spite of further chasing emails no decision has been made. The application was subject to a pre-application fee meeting and assessment and the proposal amended to reflect pre-application advice which has accentuated the applicants frustration with the council.

THE SITE

The appeal site consists of a 2-storey detached dwelling comprised of a dormer bungalow and set within a spacious and secluded plot. It is part of a grouping of dwellings and buildings at Bell Lane around the junction with Bulls lane. The location is just to the south of the busy main A1000 distributor road.

The appeal site is within the Green Belt.

BACKGROUND

This householder application follows on from previous application reference 6/2018/0687/HOUSE which was refused, and a subsequent appeal dismissed on 12 October 2018. A copy of the previous appeal is attached.

The owner occupiers Mr & Mrs Jake Livermore, have changed their architect who has revamped the previously refused scheme to produce a more moderate scheme of alterations principally to the roof area. This has taken on board the findings of the council refusal and subsequent appeal decision letter.

The previously refused application more particularly was for substantial alterations and extensions to the first floor roof shape including fenestrations.

The dwelling lies within the Green Belt.

The application was refused for the following reasons,

1. *“The proposed extensions together with existing extensions, would result in disproportionate additions over and above the size of the original building, as such the proposal represents inappropriate development within the Green Belt. Furthermore, the proposed extension would harm the openness of the Green Belt due to its impact in terms of prominence, size, bulk and design on the character and appearance of the area. Very special circumstances do not exist to outweigh the harm to the Green Belt. Accordingly the proposal is contrary to the aims of the National Planning Policy Framework 2012, Policy GBSP1, GBPP2 and RA3 of the adopted Welwyn Hatfield District Plan 2005 and Policies SP3, SP25 and SADM34 of the Draft Local Plan Submission 2016.”*
2. *The proposed extensions would be of a poor quality of design and they would insufficiently reflect the design and character of the host dwelling. In addition, the extensions would not be subordinate or subservient to the existing building and would be excessive in size. Accordingly, the proposal is contrary to the National Planning Policy Framework 2012, Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Supplementary design Guidance 2005”.*

The subsequent appeal decision identified 4 main planning issues, as follows,

- a) Whether the proposal would be inappropriate development in the Green Belt having regard to the councils development plan and the National Planning Policy Framework. More particularly, whether the alterations proposed were *“disproportionate additions over and above the size of the original building”* and thus failed the national Green Belt test of appropriateness of the Framework.
- b) The effect of the proposal on the openness of the Green Belt
- c) The effect of the proposal on the character and appearance of the host dwelling and the area.
- d) If the proposal is inappropriate development whether there are any other considerations that clearly outweigh the harm to the Green Belt due to inappropriateness and any other harm and whether very special circumstances exist to justify the granting of permission.

The appeal concluded that the proposals would increase the bulk of the building above ground floor level due particularly to the raising of the eaves line at the front by several metres in a brick wall which created a more assertive building. This radically changed the appearance of the existing dwelling to the extent that none of its existing form and aesthetic characteristics would remain. The increased bulk and prominence created was considered to detract from the semi -rural character of the area and disallowed.

At the same time the additional area created was considered to be disproportionate over and above the size of the original building and hence inappropriate development in the Green Belt. On this point, the appeal report does however, seem to have been provided with some incorrect assumptions regarding how much the original building would be extended. A figure of 100% is mentioned in the appeal report. However, a search of the council records of the 2007 extensions approved (which are the only extensions added to the original building) shows in the officers report

of 2007 (application S6/2007/1417/FP) that the floorspace increase was around 36%. The volume increase was only 22%.

Please refer to the 2007 officers report which confirms this. A copy is attached (2 pages application S6/2007/1417/FP).

THE APPEAL PROPOSAL

The new scheme prepared by the architectural design service of ADT Design has maintained the current eaves line of the building (and ridge line) at the front and added no additional floor space or noticeable bulk to the building. The existing dormers have been subserviently linked instead simply to allow more headroom internally, with similar at the back.

Coloured drawing AT821-01-08 of the front of the house illustrates this.

At the rear, a minor change of angle to the roof pitch of the rear extension enables more useable space on the first floor. This is minimal.

In comparative terms, whilst the previously refused scheme added some 20m² of floorspace at first floor level and 176m³ of volume, the proposed scheme adds nil floorspace and 50m³ of volume only.

A new small front weather porch is also proposed.

Percentage addition to the original dwelling

In terms of the amount of addition to the original dwelling (which is the baseline for determining whether alterations/extensions are disproportionate), whereas the previously refused scheme would have added 42% to the floor area of the original dwelling, (a consent of 2007 had added some 36% to the original building) the new scheme retains the floor area additions to the original building at 36%. The officer report on the 2007 extensions regarded this as not disproportionate.

In volume terms whilst the previously refused scheme would have added 37% in volume to the original house (taking into consideration the 2007 extensions which added 22% volume), the proposed scheme (50m³) adds only 25% in total to the original building taking account of the 2007 extensions.

The volume and floorspace additions to the original dwelling are thus well within the 50% benchmark set out in the council policy SADM34.

ASSESSMENT

Appropriate or inappropriate development

The site is in the Green Belt

The NPPF in the section 'Proposals affecting the Green Belt' states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, subject to certain exceptions, one of which is,

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The NPPF gives no qualification of what is meant by the term disproportionate.

However, emerging council development plan policy SADM34 'Development within the Green Belt' gives more detailed clarification on the councils approach as to whether an extension or alteration to a building is to be regarded as disproportionate.

The relevant section of SADM34 relates to, "Extension, alteration and replacement of buildings in the Green Belt".

Policy SADM34 states how the council interpret whether a proposed alteration or extension is disproportionate or not.

It emphasises that both a quantitative and qualitative assessment will be undertaken.

Policy SADM34 states that,

*"In **quantitative** terms proposals that would result in the footprint, volume and/or above ground external dimensions (height, width) of a building being 50% greater than the original building would generally be refused. However each case will be assessed on its own merits as there may be circumstances in which a particular proposal for an extension in excess of 50% may be proportionate and acceptable."*

In terms of the amount of addition to the original dwelling the proposed scheme adds no floorspace and retains the floor area additions to the original building at 36% created by the 2007 extension.

In volume terms the proposed scheme consisting of 50m³ adds only 25% to the original building (the 2007 extension resulted in a 22% increase in volume).

In qualitative terms Policy SADM34 states,

*"Any increase in footprint, volume and/or external dimensions will also be considered as part of a **qualitative** assessment of the design elements relating to scale, bulk and massing within the context of the site. This will determine the acceptability of any extension in relation to the size of the original dwelling including the impacts on the elevation to which it relates, its relationships to the original building, its location in the site and the wider context."*

Openness

As indicated in the previous appeal decision, unlike the assessment of proportionality, the starting point for consideration of openness is the existing building. However, given the previously refused bulkier scheme was ruled by the appeal decision not to materially detract from the openness, the proposed reduced scheme would not be considered to detract materially from openness. The scheme does not affect the ridge or eaves height of the building as before and the alterations linking the dormer features are set well within and contained within the existing roof and constitute a small proportion of the roof area overall.

Character and appearance

A criticism of the previous scheme by the appeal decision was that, *“The proposal would radically change the existing dwelling to the extent that none of its existing form and aesthetic characteristics would remain.”*

The appeal referred in this regard to the proposed first floor front wall where the eaves line was raised by adding several metres in height of rendered brick wall, and the replacement of the current dual pitched roof at the northern end by a monopitch roof, which it was said were clearly in view from the road.

Consequently, it was concluded that as a result of the extent of the vertical surfaces and higher eaves of the building this would be viewed as bulkier and more assertive than the existing building. The increased bulk and prominence of the building was considered to detract from the semi –rural character of the area.

In contrast the current scheme retains the dual pitched roof at the northern end of the building and makes no change there. The existing eaves line is not raised (nor the ridge line) and the alterations to the roof involve linking the dormer features in a subservient way within the existing roof slope.

The new proposals, unlike those previously refused are considered not to adversely affect the character or appearance of the area or the host dwelling.

An internal inspection of the dwelling is recommended at the site visit to illustrate the awkward lack of headroom on the first floor which are essential reasons for the application.

Very special circumstances

Should it be necessary to move onto consider any very special circumstances, the reason behind this application is the lack of sufficient headroom internally in the roof areas around the dormers which can be viewed from an internal inspection.