

# Appeal Decision

Site visit made on 30th April 2001

by **Dennis Bradley BSc(Econ) DipTP MRTPI**

an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions

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Date

**31 MAY 2001**

**Appeal Ref: APP/C1950/A/01/1058826**

**44 The Ridgeway, Cuffley**

- 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 & Mrs Brannan against the decision of Welwyn Hatfield Council.
- The application (Ref. 2000/1047/FP), dated 27<sup>th</sup> July 2000, was refused by notice dated 11<sup>th</sup> December 2000.
- The development proposed is the erection of a two-storey rear extension.

**Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.**

### Main Issues

1. From my consideration of the written representations and my visit to the site, it is my opinion that the principal issue in the case is whether the proposal would conflict with the aims of Green Belt policy.

### Planning Policy

2. The development plan comprises the Hertfordshire Structure Plan Review 1991-2011 (1998) and the Welwyn Hatfield District Plan Alteration No. 1 (1998). Structure Plan policy 5 defines the general extent of the Green Belt in Hertfordshire and the broad policies to be applied within it. Policy GB1 of the District Plan, in conjunction with the proposals map, defines the detailed Green Belt boundaries for the District, and policy GB3 sets out the general approach to be taken in respect of development proposals in the Green Belt.
3. Policy GB5 identifies the approach to be taken in the case of proposed extensions to dwellings in the Green Belt. The policy states that permission for extensions to existing dwellings within the Green Belt will be allowed only where they do not individually, or when considered with existing or approved extensions to the original dwelling, have an adverse and disproportionate impact (in terms of prominence, size, bulk and design) on the character, appearance, pattern of development and visual amenity of the surrounding countryside.

### The site and its surroundings

4. The appeal concerns a large detached dwelling which occupies a site of some 0.3 hectares and is situated within the ribbon development of similar properties which extends along The Ridgeway. The site falls steeply from the road, and accordingly the rear of the dwelling is about a full storey lower than the front. At the rear of the dwelling is a balcony which extends across most of its width at ground level and an indoor swimming pool at the lower



ground floor level. The rear garden to the dwelling is some 60 metres deep and at present does not contain any significant structures.

5. The proposed extension would provide an enclosed garden-level playing area at the lower ground floor level beneath the balcony for the appellants' children and a family room and conservatory at ground floor level. The creation of the playing area would involve the lowering of the garden level at the rear of the dwelling.

#### Reasons

6. The Council notes that that the dwelling is in the Green Belt. Since it was constructed, following a grant of planning permission in 1949, there have been several subsequent permissions for extensions. The Council suggests that the floorspace of the dwelling was originally some 128 square metres. As a result of the permission to erect a garage in 1970 the floorspace was increased to 182 square metres. The Council indicates that the approval of further additions in 1979 and 1988 have resulted in an increase of 214% on the original property, and that the present proposal would result in additional floorspace of 110 square metres. In the Council's opinion the proposal, when assessed with previous extensions, would represent a disproportionate addition to the size and scale of the original dwelling and would have a harmful impact on the open character of the Green Belt. For these reasons, the Council considers that the scheme would be contrary to policy GB5.
7. In response the appellants argue that the extension would not be prominent or visually intrusive in any public or private views. They suggest that the footprint of the proposal would not differ materially from the scheme which was approved in 1988. Secondly, they emphasise that the playroom would be below the balcony and would not appear as new floorspace, and that the family room would be almost entirely within the footprint of the balcony. Finally, the appellants have suggested that if they are not able to provide the family room in the manner that they seek, they would make use of the pool room for this purpose. To replace the present pool they would exercise their permitted development rights under Class E of the General Permitted Development Order 1995 to construct a swimming pool within the property's extensive rear garden.
8. In considering this matter I have noted that the supporting text to policy GB5 makes clear that while the size of a proposed extension will be an important factor, the most significant factor is the impact of the development on the character of the area in which it is located. However, the supporting text further states as a general principle that no extension will be approved that would either by itself or **taken together with outstanding permissions and past extensions** (my emphasis) make the built form in the area more prominent or visually intrusive. Although there is some dispute between the appellants and the Council about whether a previous permission has been fully implemented, there has clearly been a history of significant extensions to the property. Therefore, while the present extension does not substantially increase the prominence and bulk of the dwelling as it now exists, the combined effect of the proposal, when taken together with previous approved schemes, is significant. Although the extension would not be seen from public locations, it would reduce to some extent the openness of the Green Belt. Therefore, in my view the proposal in itself would conflict with the aims of Green Belt policy.
9. However, I consider that the appellants are correct in suggesting that under the powers available to them under the General Permitted Development Order they could construct a swimming pool within the rear garden of the dwelling. I share their opinion that such a



development would significantly reduce the present open appearance of the garden. Moreover, in my view it is likely that this would take place, since the appellants appear to have the financial means to construct a swimming pool and apparently regard the provision of such a facility as important for their young family. I understand that the appellants are willing to accept the imposition of a condition withdrawing this part of their permitted development rights if planning permission were granted for the present proposal. I have concluded that such a condition would serve a clear planning purpose, i.e. the preservation of the open appearance of the garden, and would accord with the advice in Circular 11/95 (paragraphs 86-91). I consider that the benefit of ensuring that a possible intrusive development would not take place would outweigh any harm to the Green Belt which might result from the appeal proposal. Therefore, subject to the imposition of such a condition, I have concluded that the appeal should be allowed.

#### Conditions

10. I share the view of the Council that no conditions other than the statutory time condition are necessary, other than the one discussed in the previous paragraph.

#### Conclusions

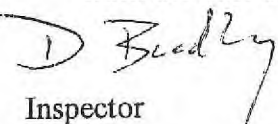
11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

#### Formal Decision

12. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the erection of a two-storey rear extension at 44 The Ridgeway, Cuffley in accordance with the terms of the application [Ref. S6/2000/1047/FP] dated 27<sup>th</sup> July 2000, and the plans submitted therewith, subject to the following conditions:
  - 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
  - 2) Notwithstanding the provisions of Class E of Part One of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no swimming or other pools shall be provided on the appeal premises without the prior approval in writing of the local planning authority.

#### Information

13. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.
14. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.

  
Inspector