



# The Planning Inspectorate

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Your Ref.

Our Ref.

T/APP/A1910/A/98/299847/P7 and  
T/APP/A1910/A/98/299849/P7

Date: -4 DEC 1998

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEALS BY MR W J HUGHES  
APPLICATION NOS: 4/00297/98/FHA (APPEAL A) AND 4/00823/98/FHA (APPEAL B)**

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your client's appeals. These are against the decisions of Dacorum Borough Council to refuse planning permission for a garden room extension to the rear of the dwelling and roofing over of the yard between existing garages (Appeal A) and a rear single storey garden room extension (Appeal B) at High Ridges, Shothanger Way, Bovington. I have considered all the written representations together with all other material submitted to me. I inspected the site on 24 November 1998.

2. The garden room extension is common to both applications and includes a balcony at first floor level. In my opinion, a more appropriate description of the developments would be single storey rear extension with balcony over and enclosure of area between existing garages (Appeal A) and single storey rear extension with balcony over (Appeal B).

3. In your grounds of appeal, you indicate that the Council's decision to withdraw certain development rights when approving application No 4/1083/95 was unfair to your client and does not comply with Circular 11/95. However, the appropriateness of this condition is not the subject of these appeals. In this respect, under Section 73 of the Town and Country Planning Act 1990, it would be open to your client to apply to the Council for the alteration or removal of a condition. If that application is refused or not determined, an appeal can be made to the Secretary of State within six months of the date of the refusal or the expiry of the period for determination.

4. From my inspection of the site and its surroundings, and from my examination of the written representations, I consider that the main issue in these cases is whether the proposals amount to inappropriate development in the Green Belt and, if so, whether there are any very special circumstances sufficient to overcome the presumption against such developments.

5. I am required to decide these appeals having regard to the development plan and to make my determinations in accordance with the plan unless material considerations indicate otherwise.

In this respect, the development plan includes the Hertfordshire Structure Plan Review 1991-2011 and the Dacorum Borough Local Plan. In my opinion, the most relevant policy is Policy 20 of the Local Plan. Under this policy, the extension of existing dwellings in the part of the Green Belt within which the site of the appeals is located will not be permitted unless, amongst other things, the extension is limited in size. This reflects Government advice as set out in Paragraph 3.6 of PPG 2, "Green Belts", which states, "Provided that it does not result in disproportionate additions over and above the size of the *original* building, the extension or alteration of dwellings is not inappropriate in Green Belts."

6. The Council's Statement indicates that it is the cumulative effect of the additions and extensions to your client's house which is the principal concern. There is reasonable agreement as to the floor area of the original building. As such, I am happy to accept your figure of 201.48 sq m. With regard to previous extensions to the house, I consider that it would be unreasonable to count the floorspace which has been created within the roof of the dwelling given that, apart from the negligible impact of the dormers, there would be no effect upon the openness of the Green Belt. In addition, it appears to me that the scheme approved in November 1995 essentially supersedes the April 1995 approval. Bearing in mind also the need to avoid double counting, I consider that a figure of 59.39 sq m, which I have derived from your Statement of Appeal, would approximate to the ground floor area of the previous kitchen, utility and lounge extensions.

7. In terms of the garages, it could be argued that those buildings which were built as "permitted development" should be excluded from the calculations given that certain buildings can be erected without express permission in the Green Belt just as anywhere else. Acceptance of the impact is implicit in the deemed approval. The same argument could be applied to buildings that would have been permitted development but for the withdrawal of the appropriate rights. The garage closest to the access drive, which the Council says has a floor area of 32 sq m, does not fall within either of these categories and should, in my opinion, be regarded as an addition to the original house for the purposes of this appeal.

8. Summation of the relevant figure would indicate that, at the very least, the original house has already been extended by 91.39 sq m. To that should be added the area of the garden room extension (25.30 sq m) and the link between the garages (28.88 sq m). I calculate that, based on the above, the rear extension would result in additions of some 58% over and above the size of the original building. The respective figure for both schemes would be approximately 72%.

9. The garden room would be created on an existing raised terrace in the angle formed by the rear main wall of the house and the lounge extension. It would not be visible to the general public. Its size would be relatively small. The area which it is proposed to enclose between the existing garages is also relatively small. It is an area which, at present, is used for storage and is roofed over by blue plastic sheeting supported by scaffolding and plywood sheets. There is a wooden gate across the front. In my opinion, this element of your client's proposals would bring about an improvement in the appearance of the area. Further, I agree with the Council that, taken in isolation, neither the extension nor the link could be considered as excessive.

10. With regard to the cumulative effect, I recognise that in percentage terms the extensions would amount to significant additions to the original dwelling. Nevertheless, given the separate nature of the main house and the detached garages, I do not consider that the extensions would

be disproportionate or that cumulative development in these circumstances, even if repeated elsewhere, would significantly reduce the openness of the Green Belt. As such, I have concluded that neither proposal amounts to inappropriate development in the Green Belt. Implementation of the schemes would not prejudice the objectives of the development plan or of Government advice. Both appeals should be allowed.

11. With regard to conditions, and bearing in mind the information shown on the submitted drawings, I consider that no special conditions are necessary.

12. I have taken into account all of the other matters raised in the representations including the previous appeal decision and the development at 30 Box Lane. However, I have found no evidence that would outweigh the considerations which have led me to my decisions.

13. For the above reasons, and in exercise of the powers transferred to me, I hereby allow these appeals and grant planning permission for a single storey rear extension with balcony over and enclosure of area between existing garages (Appeal A) and a single storey rear extension with balcony over (Appeal B) in accordance with the terms of the applications (No 4/00297/98/FHA - Appeal A and No 4/00823/98/FHA - Appeal B) dated 17 February 1998 (Appeal A) and 30 April 1998 (Appeal B) and the plans submitted therewith, subject to the condition that the developments hereby permitted shall be begun before the expiration of five years from the date of these permissions.

14. This letter only grants planning permission under Section 57 of the Town and Country Planning Act 1990. It does not give any other approval or consent that may be required.

Yours faithfully



ANDREW S FREEMAN BSc(Hons) DipTP DipEM FRTPI MIMgt FIHT MIEEnvSc  
Inspector