

Dacorum Borough Council Planning Department

Civic Centre Marlowes
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EADES HOTWANI PARTNERS
83 TILEHOUSE STREET
HITCHIN
HERTS
SG5 2DY

MR & MRS D LLOYD
TROWLEY BOTTOM COTTAGE
TROWLEY BOTTOM
FLAMSTEAD, ST. ALBANS
HERTS
AL3 8DW

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/00834/00/FHA

TROWLEY BOTTOM COTTAGE, TROWLEY BOTTOM, FLAMSTEAD, ST.
ALBANS, HERTS, AL3 8DW
TWO STOREY REAR EXTENSION

Your application for full planning permission (householder) dated 02 May 2000 and received on 03 May 2000 has been **REFUSED**, for the reasons set out overleaf.



Director of Planning

Date of Decision: 13 July 2000

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00834/00/FHA

Date of Decision: 13 July 2000

1. The application site is located in the Metropolitan Green Belt wherein there is strict control over the extension and alteration of existing dwelling houses. The proposed extension (taking account of previous additions) would amount to a disproportionate addition over the size of the original dwelling house constituting inappropriate development in a Green Belt area. For the above reasons, the proposal is contrary to national government advice contained in Planning Policy Guidance Note 2, Policy 20 of the Dacorum Borough Local Plan and Policy 23 of the Dacorum Borough Local Plan 1991-2011 Deposit Draft.



Appeal Decision

Hearing conducted on 31 October 2000

by **M A Champion** BSc CEng FICE FStructE FIHT FHKIE

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

ED	OF	DC	BC	SS
Rec'd 30 NOV 2000				
Comments:				
The Planning Inspectorate Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ 0117 987 8927				
Date				

29 NOV 2000

Appeal ref: APP/A1910/A/00/1047901

Trowley Bottom Cottage, Trowley Bottom, Flamstead, St Albans.

- 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 and Mrs Lloyd against the decision of Dacorum Borough Council.
- The application ref: 4/00834/00/FHA, dated 2 May 2000, was refused by notice dated 13 July 2000.
- The development proposed is a two storey rear extension.

Summary of Decision: The appeal is dismissed.

Main Issue

1. I consider that the main issue is whether the proposal amounts to inappropriate development in the Green Belt and, if so, whether there are any very special circumstances sufficient to overcome the presumption against such development.

Development Plan and other Planning Policies

2. The development plan for the area includes the Hertfordshire Structure Plan 1991-2011, adopted in April 1998, and the Dacorum Borough Local Plan, which was adopted in April 1995. Policy 5 of the Structure Plan states that there is a presumption against inappropriate development in the Green Belt, except in very special circumstances, for purposes other than those detailed in PPG2. Local Plan Policy 3 reinforces Structure Plan Policy 5. Policy 8 deals with the quality of development, while Policy 20 sets out criteria for extensions to existing dwellings in the Green Belt. My attention has also been drawn to the Dacorum Borough Local Plan 1991-2011 Deposit Draft which was placed on deposit in June 1996 and is currently the subject of a Local Inquiry. Policies 3, 9 and 23 carry forward the objectives of Policies 3, 8 and 20 of the adopted Plan. At the Hearing the Council presented the amended version of Policy 23 as considered at the Inquiry. In view of the present stage of this emerging plan I attach limited weight to it, in accordance with PPG1.
3. Government policy in PPG2 states that there is a general presumption against inappropriate development in the Green Belt, except in very special circumstances. New building is inappropriate unless it is for a specified purpose such as a limited extension. 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.

Reasons

4. Trowley Bottom Cottage lies in the Metropolitan Green Belt on the edge of the village of Flamstead. It is outside the boundaries of any defined settlement. While the ground

is relatively level in front of the appeal site it rises steeply to the north-east behind it towards the open countryside south of Flamstead. The existing house is the end cottage of a terrace of three on the north-east side of Trowley Bottom at its junction with White Hill, which abuts the north-western boundary to the property. It was formed sometime after 1947 by the amalgamation of the original row of six cottages into three, and was extended in 1988 by the addition of a two storey side extension. The proposed development would construct a two storey rear extension adjacent to the boundary with No 2 The Haven and abutting the existing rear extension to this property. The limited extension or alteration of existing buildings is one of the exceptions permitted by adopted Policy 20, emerging Policy 23 and PPG2 as being appropriate development inside the Green Belt. The first issue to be decided is therefore whether the proposal constitutes a limited extension.

5. When constructed as one of six cottages the original building occupied an area of 43 square metres, becoming 85 square metres (referred to as the post-1947 size) when the three cottages were formed. This was extended in 1988 by 49 square metres, an increase of 57% of the then existing building area. The proposal would add another 44 square metres, thus cumulatively increasing the area of the building by 109% of its post-1947 size. Criterion (e) of Policy 20 is judged by the degree of restraint appropriate to the Green Belt or Rural Area; the location of the site relative to residential areas; and the amount the building has already been extended. The appeal site is in the Green Belt, where there is a presumption against development; is in the countryside, where control over development is tightly applied; and has already been significantly extended. I consider therefore that, on all three counts, the requirement of Criterion (e) rigorously applies to the proposed development.
6. Although the policy does not specify a maximum limit of acceptability, the Council state that they normally consider extensions to be disproportionate if they exceed 30% of the original floor area, a figure incorporated in the emerging plan Policy 23. In my view this is reasonable as it would accord with the policy objectives. While extensions marginally in excess of the 30% value could, in my opinion, be justified in some circumstances, I consider that an extension of 109% would not be limited in size, rather it would so far exceed this figure it must be deemed disproportionate.
7. If the original dwelling is taken as that existing on 1 July 1947 then, in my view, the 1988 extension and the current proposal may each be considered separately in relation to the first and second respectively of the six cottages. In this case the 1988 extension would result in an increase of 114% and the proposal an increase of 105%. These figures approximate closely to the value obtained when the post-1947 size is taken as the original condition, and thus, I consider, lead to the same conclusion of disproportionate development. In my view therefore the proposed development would not be a limited extension and would result in a disproportionate addition over and above the size of the original dwelling. Such development would thus be inappropriate and, by definition, harmful to the Green Belt.
8. I turn now to consider whether there are any favourable considerations so outweighing the harm as to constitute very special circumstances that justify the inappropriate development. The appellant states that the proposal would be a high quality design, would adjoin the existing rear extension of No 2 The Haven and would be screened from view from all directions. The Council state that in their opinion the proposal

complies with Criteria (a) to (d) of Policy 20.

9. I too consider that the design is well related to the existing building, its site and the neighbouring building in terms of size, shape and scale. It would neither intrude above the existing ridgeline nor prejudice the retention of significant trees. With the use of appropriate matching materials it would appear to be a high quality design. The extension would not be visible from Trowley Bottom or the access road and public bridleway in front of the three cottages. It would be very largely screened by trees and shrubs from White Hill, from one point on which a glimpse could be obtained, and also from No 2 The Haven and the open countryside at the rear of the property. Although this screening cannot be relied upon in winter when it is likely that the building would become more visible, the relative seclusion of the proposed extension and the quality of the design lead me to conclude that the harm caused would be slight. However lack of harm is not sufficient in itself, a positive attribute must be demonstrated to outweigh the harm caused by reason of inappropriateness and any other harm. In my opinion, the increased form and mass of the proposed development would have a finite impact on the openness of the Green Belt by virtue of its size. I therefore consider that no favourable considerations have been presented that so outweigh the harm caused to the Green Belt as to constitute very special circumstances that justify the inappropriate development.

Other Matters

10. My attention has been drawn to two other appeals allowed elsewhere for development in the Green Belt. The proposal at The Willows, Sandridge, related to a further small addition which added little to the impact of the permitted extensions which had still to be completed, while that at 80 High Street, Sandridge, was located in the middle of a village in a Green Belt settlement. I am satisfied from the evidence before me that the circumstances of these cases differ from those of the present appeal which I have considered on its merits.

Conclusion

11. I conclude therefore that the proposal would result in a disproportionate addition over and above the size of the original building, and would thus amount to inappropriate development in the Green Belt, contrary to Structure Plan Policy 5 and Local Plan Policy 3 as well as PPG2. The mass and form of the proposal would reduce the openness of the area and thus cause harm to the Green Belt. I do not consider that any favourable considerations have been put forward that so outweigh the harm as to constitute very special circumstances and thus justify the inappropriate development. I have further considered all other matters raised in the written representations that have been forwarded to me, but I can find nothing that is sufficient to outweigh the considerations that have led to my conclusions on the main issue.

Formal Decision

12. In exercise of the powers transferred to me I dismiss the Appeal.

Information

13. 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.

M. Leprie

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Mr D Lloyd

Appellant

Mr D Lane BSc DipTP DipTP MRTPI

David Lane Associates (Agent)

FOR THE LOCAL PLANNING AUTHORITY

Mrs E Palmer BSc GDAS GDURP MRAPI

Planning Officer

Mr P Newton

Planning Officer

DOCUMENTS

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|----------|---|--------------------------------------------------------|
| Document | 1 | List of persons present at the hearing |
| Document | 2 | Council's letter of notification and list of addresses |
| Document | 3 | Supplementary Statement Policies 23 and 24 |
| Document | 4 | Percentage Increase Figure Summary Sheet |

PLANS

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|------|---|------------|--------------|---------------------------------------------|
| Plan | A | Drawing No | 2000/10/01/A | Ground and first floor plans and elevations |
|------|---|------------|--------------|---------------------------------------------|