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## Appeal Decision

Site visit made on 24 November 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11<sup>th</sup> December 2025

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### Appeal Ref: APP/B1930/D/25/3374659

#### 5 Newfield Way, St Albans AL4 0GB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs David & Rosie Fitt against the decision of St Albans City Council.
  - The application Ref is 5/25/0231.
  - The development proposed is two-storey side extension & demolition of existing conservatory.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt;
  - the effect of the proposal on the openness of the Green Belt; and
  - if the proposal is inappropriate development in the Green Belt, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

### Reasons

#### *Whether inappropriate development*

3. The appeal property is situated within the Green Belt. The National Planning Policy Framework (the Framework) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. Paragraph 153 identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
4. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless an exception applies. Exception c) of paragraph 154 sets out that one of these exceptions relates to 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.
5. Policy 13 of the St Albans Local Plan Review (1994) (SALPR) sets out that extensions to houses in the Green Belt may be permitted unless the scale or visual

impact upon the building as originally constructed would create a building of significantly larger or different character. The test of 'significantly larger or different character' as set out in Policy 13 of the SALPR is not consistent with the approach as set out in the Framework of 'disproportionate'. In these circumstances, in accordance with paragraph 232 of the Framework, I consider that the weight afforded to Policy 13 of the SALPR is limited based on its consistency with the Framework. I also consider the Framework to carry significant weight as a material consideration.

6. The parties have referred to the Residential Extensions and Replacement Dwellings in the Green Belt Supplementary Planning Guidance (2004) (SPG). The SPG sets out guidance for side and rear extensions on houses within the Green Belt which includes ranges of 90 – 180m<sup>3</sup> increase in volume and 20 – 40% increase in floor space.
7. In the first instance, with regard to the evidence before me I consider the original dwelling<sup>1</sup> comprises the property as it was built without the rear conservatory extension or the adjacent outbuilding.
8. The Council's officer report sets out the original dwelling has a floor area of 91.98m<sup>2</sup> and has calculated the overall increase in floor space from the original dwelling to be 103% and the increase in volume to be 225.59m<sup>3</sup>. Whilst the appellant has described that they cannot replicate the Council's measurement, I have no alternative figure before me or substantive evidence to disagree with the Council's measurement of 91.98m<sup>2</sup> for the original dwelling.
9. In relation to the additions to the original dwelling, the Council has included the existing outbuildings as extensions to the property. I note that part 7.1(ii), with reference to table 3, of the SPG identifies that garages and outbuildings within 5m of the original dwelling, and over 10m<sup>3</sup> in volume should be classed as an extension. Based on the evidence before me and my observations on site, the side outbuilding would be within 5m of the original property, whereas the outbuilding to the rear would not. Therefore, in line with the SPG, the rear outbuilding should not be included as an extension within the calculations, whereas the side outbuilding should be and therefore deducted from the overall net proposed floor space as it is being demolished.
10. The appellant also highlights that the demolition of the conservatory has not been accounted for. However, whilst it has not been explained what it relates to, the Council's calculations do show that they have removed 6.73m<sup>2</sup> of floor space to account for demolition which appears to likely relate to the conservatory.
11. Furthermore, I also acknowledge that the floor space calculations undertaken by the Council do not differentiate between the floor area contributed by the roof extension and conversion which is of a lesser bulk and mass compared to the proposed ground and first floors.
12. In any case, the SPG is clear that the floor area and volume figures are guidelines and not rigid limits. Whether a development is disproportionate, or in the case of Policy 13 significantly larger, is dependent on the individual circumstances and context of a development, taking into account a range of factors including footprint,

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<sup>1</sup> As it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally as defined by Annex 2 of the Framework and Policy 13 of the SALPR.

floorspace, volume, mass and bulk. Therefore, the floor space and volume calculations are a helpful tool, but not determinative, particularly as no alternative figures have been provided by the appellant for my consideration.

13. The existing conservatory and side outbuilding are proposed for demolition meaning the property would be in its original state, prior to the construction of the proposed extensions. However, despite these demolitions, the proposed extension would be of considerable bulk and mass compared to the original dwelling. It would add two stories to the side of the property with no set back from the front or rear building line, nearly doubling the properties width and footprint. The ridge would be extended significantly and a dormer introduced to facilitate the roof conversion adding further bulk and massing above the first floor level.
14. As a result, in relation to the Framework, I consider that the proposed extension would represent a disproportionate addition compared to the original dwelling. The development would therefore be inappropriate development within the Green Belt which is by definition harmful.
15. With respect to Policy 13, whilst carrying limited weight, I also consider the extension would be of a scale that would create a building significantly larger than the original. The proposal would therefore also conflict with Policy 13 of the SALPR.

### *Openness*

16. The Planning Practice Guidance identifies various factors which can be taken into account when considering the potential impact of development on the openness of the Green Belt<sup>2</sup>.
17. The proposal would introduce built form into an open side gap at the site and increase the bulk and massing of the appeal property. The development would therefore result in a larger dwelling which would adversely affect both visual and spatial openness. However, given the suburban context of the appeal site and domestic scale of the proposal, the harm to openness would be limited. It would nevertheless be contrary to the objectives of the Framework of keeping land permanently open.

### **Other Considerations**

18. The proposal would improve the living conditions of the occupiers of 5 Newfield Way by providing additional floor space at the property. However, this is a personal benefit of the scheme and it attracts limited weight in favour of the development.
19. The appellant states that Newfield Way and the surrounding local estate will be taken out of the Green Belt by Spring 2026. Whilst the Council's officer report states that its emerging plan has been submitted for examination, I do not have any information before me regarding whether any interim findings have been made, if there have been any main modifications and subsequent consultations upon them or if the examining Inspectors have submitted their report. I also have not been provided with any such relevant emerging policies showing the appeal site would be removed from the Green Belt. With reference to paragraph 49 of the Framework, the evidence is insufficient to allow me to understand the stage of

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<sup>2</sup> Paragraph: 013 Reference ID: 64-013-20250225

examination the plan is at, the extent to which there are unresolved objections to relevant policies or the degree of consistency of the relevant policies in the emerging plan to the Framework. In these circumstances, I can only afford limited weight to the emerging plan.

20. The appellant has referred to a previous application at the appeal site which was refused by the Council and dismissed at appeal in 2006. It is stated that this dismissal was only in relation to the effect of the proposal on the nearby trees and that the development was for a larger two storey side extension than that proposed by this appeal, along with a conservatory. However, I have not been provided with any specific details of this application, including the plans. I therefore cannot be certain how comparable the previous scheme and circumstances are to the appeal before me. Furthermore, there have been significant changes in national policy since this decision through the introduction of the National Planning Policy Framework, the implications of which I have discussed previously in relation to Policy 13 of the SALPR. For these reasons, this previously dismissed scheme would only carry limited weight.
21. A range of examples have also been given by the appellant relating to applications in the surrounding area for two storey side extensions with loft conversions and extensions which exceed the 40% floor area guideline. However, I have not been provided with any specific details of these applications, such as the original and proposed plans for these dwellings. As mentioned in my assessment, whether a proposal is proportionate depends on a range of factors not just the floor area percentage increase. Without any specific details in relation to these applications, I cannot be certain whether the circumstances are directly comparable to the appeal before me. These examples therefore do not carry any weight in favour of the development.
22. Furthermore, each proposal should be assessed on its individual merits, which I have done so in this case.

### **Green Belt Balance**

23. As mentioned, paragraph 153 of the Framework identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Similarly, Policy 1 of the SALPR also sets out that where development does not meet a number of criteria, permission within the Green Belt will not be given except in very special circumstances. Policy 1 requiring very special circumstances, is therefore consistent with the Framework in this regard and carries significant weight.
24. The proposal would amount to inappropriate development in the Green Belt and would result in limited harm to openness. Paragraph 153 of the Framework sets out that substantial weight should be given to any harm to the Green Belt, including harm to its openness.
25. There are no other considerations which clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such the proposal would conflict with Policy 1 of the SALPR.

## **Conclusion**

26. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*C Housden*

INSPECTOR