
Appeal Decision

Site visit made on 16 August 2016

by Andrew McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5th October 2016

Appeal Ref: APP/J1915/D/16/3152810

White Gate House, Ginns Road, Stocking Pelham, Hertfordshire SG9 0JX

- 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 Mrs Rosie Somers against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/0279/HH, dated 5 February 2016, was refused by notice dated 30 March 2016.
 - The development proposed is single and two storey rear extensions and raising of roof ridge to enable a loft extension, extension to existing garage with a new pitched roof and installation of a private sewage treatment system.
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Decision

1. The appeal is allowed and planning permission is granted for single and two storey rear extensions and raising of roof ridge to enable a loft extension, extension to existing garage with a new pitched roof and installation of a private sewage treatment system, in accordance with the terms of application Ref: 3/16/0279/HH, dated 5 February 2016, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, all dated January 2016:
 - Drawing No: 3005.P.001 - 'Existing Floor & Roof Plans';
 - Drawing No: 3005.P.002 - 'Proposed Ground Floor Plan';
 - Drawing No: 3005.P.003B - 'Proposed Plans';
 - Drawing No: 3005.P.004B - 'Existing & Proposed Elevations';
 - Drawing No: 3005.P.005B - 'Existing & Proposed Elevations';
 - Drawing No: 3005.P.006 - 'Proposed Sections';
 - Drawing No: 3005.P.007 - 'Existing & Proposed Garage Extension';
 - Drawing No: 3005.P.008 - 'Location & Site Plan'; and
 - Drawing No: 3005.P.009A - 'Site Plan and Aerial View'.
 - 3) The development hereby permitted shall not begin until details of the external materials of construction of the building have been submitted to, and approved in writing by, the local planning authority and the development shall thereafter be implemented in accordance with those approved materials.
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Procedural Matter

2. Notwithstanding the description of development set out above, which is taken from the application form, the installation of a private sewage treatment system was removed from the original description by the Council. The Officer Report states that due to a lack of information regarding the system, it should be removed from the description. In their Statement of Case, the appellant subsequently points out that the Council has confirmed that the system would not require planning permission. The Council dealt with the proposal on this basis and so shall I.

Main Issue

3. The main issue is whether the proposed development would be inappropriate development in the Rural Area beyond the Green Belt.

Reasons

4. The appeal site is within the Rural Area beyond the Metropolitan Green Belt. It is within a small settlement which is predominantly characterised by ribbon development comprising large detached dwellings of differing sizes, styles and materials set on good sized, maturely landscaped plots. The existing property is set back from the public highway and is mostly screened from view by the mature trees and hedges on the site and along its boundaries. To the rear, the property has a large, enclosed and well screened garden where neighbouring properties are mostly concealed beyond the established and substantial boundary planting.
5. Policy GBC3 of the East Herts Local Plan Second Review 2007 (the Local Plan) sets out the types of development which may be given permission in the Rural Area beyond the Green Belt, including limited extensions or alterations to existing dwellings which in turn are in accordance with Policy ENV5 of the Local Plan. Policy ENV5 states that extensions will be permitted where the character, appearance and amenities of the dwelling and adjoining dwellings would not be significantly and detrimentally affected. Furthermore, the erection of an outbuilding within the curtilage of a dwelling should be of a scale and size that either by itself, or cumulatively with other extensions, would not be disproportionate to the size of the original dwelling or intrude into the openness or rural qualities of the area.
6. The Council states that the additional floor space proposed would equate to about a 69% increase overall. However, this would appear to incorporate the proposed floor space within the existing loft space. Whilst this would be additional floor space, it would have a limited effect on the external appearance, scale, size and form of the original dwelling other than a slight increase in roof height and the appearance of roof lights. I note that the Council does not object to these individual matters.
7. The appellant argues that the proposal would provide additional floor space equating to around a 37% increase to the existing dwelling. Furthermore, were the floor space associated with the loft conversion to be considered as existing, as is my view, the proposal would result in just a 28% increase in floor space. This would be a reasonably modest expansion of an already sizeable dwelling.

8. Whilst the roof ridge height would rise slightly, the property is situated more than 20 metres from the public highway. Therefore, it is likely that such a minor difference would have no material effect on the character and appearance of the rural area or its openness. Furthermore, whilst the 'crown' pitched roof would alter the appearance of the host property, it would not be so significant as to cause material harm to its character or that of the locality. The flat roof spanning the width of the property would be largely unseen and would appear as a pitched roof when viewed from the street. Moreover, the change from a hipped roof to a gable roof would have minimal visual impact due to the set back of the property from Ginns Road and the screening effect of the substantial trees and landscaping in the front garden.
9. The proposal would result in an alteration in the roof design and modest increases in the height and floorspace of the existing property. However, these would not be so substantial as to cause any material harm to the property. Furthermore, the proposal would not be disproportionate to the original dwelling in terms of size. Whilst the scheme would alter the appearance of the host property, the enclosed nature of the rear garden and substantial trees and hedges on the site would result in the proposed extensions and alterations being largely hidden from view. Therefore, the proposal would not have any substantive effect on the character, appearance and openness of the rural area. Nor would it result in the property being out-of keeping with the mixed character, styles and materials of nearby properties.
10. Consequently, I conclude that the proposal would not be inappropriate development in the Rural Area beyond the Green Belt and would comply with Policies GBC3 and ENV5 of the East Hertfordshire Local Plan Second Review 2007 (the Local Plan). Amongst other matters, these policies seek to strictly control development in rural areas and ensure that development is not inappropriate in such locations.

Other Matters

11. I note the Council's concerns regarding the limited details provided relating to the private sewage treatment system which is intended to serve the proposed development. However, as the Council confirms that the proposed system would not require planning permission and that the proposed system does not form part of the description of development considered by the Council, such matters are of little relevance in my determination of this appeal.

Conditions

12. I have had regard to the planning conditions that have been suggested by the Council. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect the relevant parts of the Planning Practice Guidance.
13. In addition to the standard implementation condition relating to time (1), I have imposed conditions relating to the approved plans (2) and materials (3), which are necessary and reasonable in the interests of providing certainty and for reasons of character and appearance. In light of the considerations above, I have not imposed a condition suggested by the Council relating to the proposed sewage treatment system. Given the Council's position on this matter, I find that such a condition would be neither necessary nor relevant.

14. It is necessary that the requirements of Condition 3 are agreed prior to development commencing to ensure an acceptable development in respect of the character and appearance of the local area.

Conclusion

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

Andrew McCormack

INSPECTOR