
Appeal Decision

Site visit made on 8 November 2016

by Christa Masters MA (hons) MRTPI

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

Decision date: 14th November 2016

Appeal Ref: APP/J1915/D/16/3159935

Lower Hacketts, 42 Brickendon Lane, Brickendon, Hertfordshire SG13 8NU

- 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 James Barry against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/1087/HH, dated 10 May 2016, was refused by notice dated 8 July 2016.
 - The development proposed is the demolition of shed and car port adjacent to existing dwelling, and existing rear and side lean-to extensions. The construction of a new two storey hipped roof extension.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of shed and car port adjacent to existing dwelling, and existing rear and side lean-to extensions. The construction of a new two storey hipped roof extension at Lower Hacketts, 42 Brickendon Lane, Brickendon, Hertfordshire SG13 8NU in accordance with the terms of the application, Ref 3/16/1087/HH, dated 10 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans listed: PL099, PL100, PL101, PL102, PL103, PL104, PL105, PL106, PL107.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used on the existing building.

Application for costs

2. An application for costs was made by Mr James Barry against East Hertfordshire District Council. This application is the subject of a separate decision.

Main Issues

3. The appeal site lies within the Green Belt. The main issues are therefore whether the proposal would be inappropriate development in the Green Belt, and if so whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to
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the very special circumstances necessary to justify the development. In addition, whether the proposal would preserve or enhance the character and appearance of the Brickendon Conservation Area.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

4. The appeal property is a semi detached dwelling located within the settlement of Brickendon. It forms the end of a terrace of three cottages. The Framework establishes at paragraph 89 that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves the extension of a building. This is provided that it does not result in disproportionate additions over and above the size of the original building. Policy GBC1 of the East Herts Local Plan (LP) Second Review 2007 conforms with the thrust of the Framework in this regard.
5. There is agreement between the main parties that the proposal would result in a 52% increase to the size of the original dwelling house. The Framework does not give any guidance on what 'disproportionate' means in the context of paragraph 89. Therefore, the assessment is a matter of planning judgement for the decision maker.
6. The proposed side extension would be set back from the main front elevation of the property and as a result of the scale proposed, would ensure that it would be subordinate to the original building. For these reasons and taking into account the floorspace calculations agreed between the main parties, the proposal would in my view be a modest addition to the property which would not result in any disproportionate addition over and above the size of the original building. The development would therefore not be inappropriate. For these reasons, I conclude the proposal would accord with both the Framework as well as policy GBC1 of the LP.

Whether the proposal would preserve or enhance the character and appearance of the Brickendon Conservation Area

7. The appeal site is located within the Brickendon Conservation Area. From my site visit, it was apparent that the area is characterised by clusters of residential dwellings situated in a linear form of development. Although the property is set back from the main road frontage, the flank elevation where the extension would be positioned is particularly visible when travelling north along Brickendon Lane.
8. Policy ENV5 of the LP relates to the extension of dwellings. The application of the policy is dependent upon whether the site is within or outside of the main settlements and category 1 and 2 villages. The appellant states the site is within a category 2 village. The Council are silent on this matter. Without any evidence to the contrary, I have no reason to consider the approach adopted by the appellant to be incorrect. As such, the policy advises that extensions to existing dwellings will be permitted provided that the character, appearance and amenities of the dwelling and any adjoining dwelling would not be significantly effected to their detriment.
9. The proposal before me would remove an existing cat-slide kitchen single storey projection as well as utility room projection. An existing shed and garage on the site would also be removed. The removal of these existing features would

in my view result in significant visual benefits in terms of the street scene as a whole through their replacement with a well-designed extension. The width of the extension would in my view improve the symmetrical style of the host dwelling when considered in the context of the terrace as a whole. The extension would also be set back from the front elevation by 0.5m, thereby ensuring it would remain subservient to the host dwelling.

10. To conclude, the extension proposed is appropriate in terms of its height, scale and design to both the host property and the surrounding dwellings. The proposal would enhance the character and appearance of the Conservation Area. It would therefore accord with the thrust of policy ENV5 of the LP. Taking the above into account, the proposal would also be consistent with paragraph 135 of the Framework.

Conditions

11. The Council has proposed a number of conditions which I have considered against the tests identified by the Framework. Those relating to commencement and plans are necessary in the interests of proper planning. Although not suggested by the Council, I also consider it is necessary to attach a condition relating to materials in the interests of the character and appearance of the area.

Conclusion

12. For the reasons outlined above and taking all other matters into account, the appeal should be allowed.

Christa Masters

INSPECTOR