
Appeal Decision

Site visit made on 6 December 2016

by Alex Hutson MATP CMLI MArborA

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

Decision date: 13 December 2016

Appeal Ref: APP/J1915/D/16/3160510

88 Mangrove Road, Hertford, Herts SG13 8AN

- 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 Brunton against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/1764/HH, dated 29 July 2016, was refused by notice dated 21 September 2016.
 - The development proposed is Single storey rear extension, two storey side and rear extension and hip to gable and pitched roof dormer.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether or not the proposal is 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, whether or not there are material considerations which, together, clearly outweigh the harm to the Green Belt, and any other harm, and which amount to very special circumstances which would be necessary to justify the proposal.

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

3. The appeal site lies within the Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. The extension or alteration of a building is inappropriate, unless the extensions or alterations do not result in disproportionate additions over and above the size of the original building. The Glossary at Annex 2 of the Framework, defines the term 'original building' as "a building as it existed on 1 July 1948, or if constructed after 1 July 1948, as it was built originally".
 4. The appeal property is a two-storey, semi-detached dwelling with a detached outbuilding, located within a wider residential area. The proposal seeks to
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erect a single storey rear extension, a two storey side and rear extension, a hip to gable extension and a pitched roof dormer. The detached outbuilding would be removed as part of the proposal.

5. The evidence suggests that the appeal property was built prior to 1948. According to the Council's records, the original building had a floor area of approximately 96 square metres (sqm) and the outbuilding had a floor area of approximately 15sqm. The planning history suggests that the only extensions the appeal property has been subject to since 1948 involve a single storey side and rear extension, consented under Ref 3/01/1231/FP, which has been implemented. According to the evidence, the proposed extensions and alterations, in combination with the implemented extension, would increase the overall floor area of the original building by approximately 93%. This figure excludes any floor space which would be created in the loft. Taking into account the removal of the outbuilding, the overall increase in floor area would be approximately 81%.
6. The Framework does not define the term 'disproportionate' for the purposes of assessing whether the extension or alteration of a building is inappropriate development within the Green Belt. However, the considerable cumulative increase in floor area and consequently volume that would arise from the proposed extensions and alterations, would, in my judgement, result in disproportionate additions over and above the size of the original building.
7. The appellant argues that whilst such an increase in size may be considered material in some contexts, it should not be so in the case of this appeal. The appellant also suggest that any assessment should take account of the scale of other dwellings in the locality. However, such an approach is not supported by a reading of the criterion set out in the third bullet point of paragraph 89 of the Framework. This clearly states that the extension or alteration of a building will not be inappropriate, provided that "it does not result in disproportionate additions over and above the size of the original building". Whilst therefore a contextual analysis of surrounding built form may be a legitimate consideration in measuring the effect of development on character and appearance, it is expressly not a consideration in relation to inappropriateness as set out in Paragraph 89 of the Framework.
8. The appellant makes reference to an appeal decision¹ in respect of 90 Mangrove Road which allegedly allowed a scheme that would result in a considerable increase in size over and above that of the original dwelling. However, I have not been provided with any detailed information regarding what exactly was sought under that appeal, or indeed a copy of the appeal decision. I am therefore unable to make any informed comparisons between that scheme and the proposal I am to consider under this appeal. In light of this, I do not consider that any planning permission in respect of No 90 justifies a planning permission in this particular case.
9. Consequently, the proposal would not comply with the listed exceptions as set out in Paragraph 89 of the Framework, in respect of the extension or alteration to a building in the Green Belt. The proposal would therefore be inappropriate development in the Green Belt, which Paragraph 87 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the Framework states that in

¹ Ref APP/J1915/D/15/3137704

considering a planning application substantial weight should be given to any harm to the Green Belt.

10. The proposal would also conflict with saved Policy GBC1- Appropriate Development within the Green Belt, of the East Herts Local Plan Second Review (Local Plan) 2007, which sets out that permission will not be given for inappropriate development within the Green Belt, unless very special circumstances can be demonstrated.
11. Whilst the Council cites conflict with saved Policy ENV5- Extensions to Dwellings, of the Local Plan, this policy does not refer specifically to development within the Green Belt, so is not wholly relevant to this appeal.

The effect of the proposal on the openness of the Green Belt

12. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. The proposed extensions and alterations would inevitably have an effect on the openness of the Green Belt. Whilst a substantial part of the proposal would be to the rear of the appeal property and therefore not easily visible from the public realm, the proposed two storey side and hip to gable extensions would be noticeable from along Mangrove Road. These elements would reduce the level of spacing between the appeal property and No 90 at first floor and roof level which would impact visually and materially upon the openness of the Green belt. This would be contrary to the aims of Paragraph 79 of the Framework.

Other considerations

13. The appellant suggests the proposed single storey rear extension could be built under a prior approval notification. However, the issue of whether or not planning permission is required for any such development is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. Moreover, even if this was the case, this element only forms one part of the overall proposal. This is not therefore a matter to which I afford any significant weight.
14. I acknowledge the appellant's argument that the proposal would provide living space improvements and would allow greater surveillance of any children playing in the rear garden. However, there is no substantive evidence before me to demonstrate that these benefits could not be achieved as part of any alternative scheme that would not result in disproportionate additions over and above the size of the original building. Moreover, the personal desire to live in a larger home is not a material planning consideration to which I afford any significant weight.

Conclusion

15. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have identified that the proposal would be inappropriate development in the Green Belt as defined by the Framework. In addition, it would cause material harm to the openness of the Green Belt.
16. As explained above, I only afford limited weight to each of the material considerations cited in support of the proposal and conclude that, taken together, they do not outweigh the harm that would arise as a result of the

proposal. Consequently, no very special circumstances exist that would justify inappropriate development being allowed. Therefore, for the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR