

# Appeal Decision

Site visit made on 9 November 2016

**by Ian McHugh Dip TP MRTPI**

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

**Decision date: 20 December 2016**

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## **Appeal Ref: APP/N1920/D/16/3158578**

### **1 Old Nursery Close, Shenley, WD7 9FD**

- 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 Oliver Jordan against the decision of Hertsmere Borough Council.
  - The application Ref 16/1258/HSE, dated 24 June 2016, was refused by notice dated 22 August 2016.
  - The development proposed is a rear single-storey side extension.
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### **Decision**

1. The appeal is allowed and planning permission is granted for a rear single-storey side extension at 1 Old Nursery Close, Shenley, WD7 9FD, in accordance with the terms of the application Ref 16/1258/HSE, dated 24 June 2016, 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 plan: Drawing No. 350-PL-01 Revision A.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### **Procedural Matter**

2. Since the appeal was lodged and prior to this decision, the Council has adopted the Site Allocations and Development Management Policies Plan (SADM). Consequently the policies of the SADM now attract full weight in decision making.

### **Main Issue**

3. The main issue is whether the appeal development would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and Development Plan Policy, and the effect of the proposal on the openness of the Green Belt and on the character and appearance of the area.
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## **Reasons**

4. The appeal property is situated at the end of a block of three dwellings, which are served by a private drive and which face London Road. The property is linked to the neighbouring dwelling by a car port (with accommodation in its roofspace), which is open at the front and the rear. It is part of a small development of houses, which have a distinctive but traditional appearance in terms of their design and materials. The site is situated in a semi-rural location within the Green Belt.
5. The appeal proposal is to enlarge the property at the rear of the car port by constructing a single-storey extension. The Council states that the proposed extension would increase the footprint of the original dwelling by 21% and increase the floorspace by 10.6%.
6. Paragraph 89 of the Framework states that the construction of new buildings should be regarded as being inappropriate within the Green Belt. Exceptions to this include 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. This is also reflected in Policy C5 of the adopted Hertsmer Local Plan 2003 (LP); and Policy SADM27 of the SADM. Policy SADM27 of the SADM and Policy C5 of the LP specifically state that new development should not be harmful to the openness of the Green Belt. Policy CS13 of the Council's Core Strategy 2013 states that there is a general presumption against inappropriate development in the Green Belt.
7. The Council states that the proposal is not considered to be a disproportionate addition to the dwelling because of its size. On the basis of the evidence before me, I have no reason to disagree with this conclusion. Therefore, I consider that the proposal would not be inappropriate development in the Green Belt, having regard to the Development Plan and paragraph 89 of the Framework.
8. However, the Council contends that the proposed extension would have an unacceptably harmful effect on the openness of the Green Belt as it would prevent views through the open car port. The Council considers that this would detract from the "traditional rural vernacular approach" to the design of the original housing development.
9. Although there would be some impact on the openness of the appeal site, through the introduction of new built development and the 'closing off' of the rear of the car port, the reduction in openness would be slight. Whilst the open car ports are a feature of the housing development, existing views through the car port at the appeal property are restricted, given the degree of separation between the appeal property and London Road. Furthermore, the current view beyond the car port is of other buildings and structures. In that regard, I am not persuaded that the proposed extension would be unduly harmful to the openness of the Green Belt and its surroundings or to the character or appearance of the development. Consequently, I consider that the proposal would not conflict with the Development Plan, as referred to above.

## **Conditions**

10. The Council has suggested conditions in the event of the appeal being allowed. These have been considered in the light of the advice contained within the

Planning Practice Guidance. A condition requiring the development to be carried out in accordance with the approved plans is necessary, for the avoidance of doubt and in the interests of proper planning.

- 11.To ensure a satisfactory appearance, a condition requiring the use of external materials to match the existing dwelling is also necessary.

**Conclusion**

- 12.For the reasons given above, it is concluded that the appeal should be allowed.

*Ian McHugh*

INSPECTOR