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## Appeal Decision

Site visit made on 6 December 2016

**by A Napier BA(Hons) MRTPI MIEMA CEnv**

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

**Decision date: 23 December 2016**

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**Appeal Ref: APP/J1915/D/16/3160802**

**Four Winds, 18 Desborough Drive, Tewin Wood, Tewin AL6 0HJ**

- 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 Susanne Paxman against the decision of East Hertfordshire District Council.
  - The application Ref 3/16/1652/HH, dated 20 July 2016, was refused by notice dated 13 September 2016.
  - The development proposed is described as 'Demolition of existing part kitchen and part bedroom one. Erection of two storey front and rear extension, with entrance porch. Replacement of existing windows and doors, including alterations to opening. Replacement of existing roof tiles and incorporation of roof windows.'
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The appeal site is located within the Metropolitan Green Belt. In addition, trees protected by a Tree Preservation Order (TPO) are within and close to the site. The main issues in this appeal are:
  - Whether or not the development would be inappropriate development within the Metropolitan Green Belt and its effect on openness, having regard to the National Planning Policy Framework and development plan policies;
  - The effect of the development on the character and appearance of the area, with particular regard to its effect on trees; and
  - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

### Reasons

*Whether or not inappropriate development and openness*

3. Paragraph 79 of the National Planning Policy Framework (the Framework) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Paragraph 89 of the Framework states that the construction of new buildings should be regarded as
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inappropriate development within the Green Belt. An exception to this includes 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.

4. The *East Herts Local Plan Second Review 2007* (LP) Policy GBC1 provides for limited extensions and alterations to existing dwellings within the Green Belt. Similar considerations are reflected in LP Policy ENV5 where, amongst other matters, it requires an extension to a dwelling to be of a scale and size that would not, either by itself or cumulatively, disproportionately alter the size of the original dwelling. Whilst my attention has been drawn to a previous appeal decision on a site nearby in this respect,<sup>1</sup> I do not have full details of that development or the background to that decision. Accordingly, from the evidence available to me, I am satisfied that in respect of this appeal, when considered collectively, these policies of the LP are broadly consistent with paragraph 89 of the Framework.
5. From the evidence available to me, these LP policies do not define the meaning of 'limited' or 'disproportionate', and there is nothing before me to indicate that a definition has been formally identified by the Council. Nonetheless, the evidence submitted indicates that, informally, the Council considers that extensions should not generally result in a greater than 50% increase in the floorspace of the original dwelling. Whilst other potential measures of size also exist, I am satisfied that the use of floorspace would provide a useful indication of whether the proposal would be a disproportionate addition relative to the size of the original dwelling.
6. The appeal dwelling is a detached house with an extensive garden. From the evidence provided, the size of the plot is greater than others within the area and, in relation to this and in comparison with other dwellings within the area, the appellant contends that the existing dwelling is relatively small. In the 1970s, the dwelling was increased by a two-storey side extension. Whilst there is some difference between the parties about the size of the original dwelling, the extent of this difference is minimal and, broadly, there is a consensus that this extension increased the floorspace of the dwelling by approximately 47%, from around 120 square metres to some 180 square metres.
7. The details provided indicate that, in addition to this previous extension, permission has recently been granted for further alterations to the dwelling which, in addition to a new extension, would result in the partial demolition of the existing dwelling, resulting in a net decrease of some 7 square metres of floorspace, or an overall cumulative increase of some 43.5% in the floorspace of the original dwelling. The appeal proposal seeks to incorporate this recently approved scheme into a more substantial proposal, which would also involve a two-storey rear extension to the dwelling. The Council does not suggest that the previously approved elements of the appeal scheme would no longer be considered acceptable. As such, the proposed rear extension effectively represents the primary area of dispute between the main parties and I intend to consider the appeal in light of this.
8. The submitted Design and Access Statement accepts that, overall, the appeal proposal would equate to a 96% cumulative increase in the floorspace of the original dwelling. Notwithstanding the absence of a formally defined limit for proportionate additions, having regard to the overall extent of the existing and

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<sup>1</sup> APP/J1915/D/14/2215524

proposed extensions relative to the size of the original building, I am satisfied that such a cumulative increase in floorspace can reasonably be regarded to represent disproportionate additions to the dwelling, even taking into account its setting within generous gardens.

9. The two-storey rear extension would be situated to the rear of the dwelling and would not increase its height or width. Due to this siting, the context of the site and the design and scale of the proposal, it would have only a modest visual impact on the wider area. Furthermore, taking into account the existing extension, it would result in a relatively limited increase in the overall depth of the dwelling. Nonetheless, it would extend across much of the rear elevation of the dwelling and would involve the development of a previously open part of the site. As such, by its nature, the proposed rear extension would have some impact on openness and, given its scale, I consider its overall impact in this regard would be moderate.
10. Extracts from the Council's pre-submission consultation draft of the *District Plan* (DP) have been provided, which include reference to a potential review of the Green Belt boundary, and the appellant has questioned the extent of the Green Belt designation in relation to the appeal site. However, having regard to paragraph 83 of the Framework, whether or not the boundary of the Green Belt should be reviewed would potentially be an issue for the development plan process and is not a matter primarily before me as part of this appeal. As such, it does not lead me to an alternative finding in respect of this issue.
11. Accordingly, I conclude that the appeal extension, when considered cumulatively with previous extensions, would represent a disproportionate addition to the size of the original appeal dwelling, which would result in inappropriate development within the Green Belt that, by definition, would be harmful. The proposal would be contrary to LP Policies GBC1 and ENV5 and would not meet the aims of paragraph 89 of the Framework. In addition, I have found that its impact on openness would be moderate and it would result in some conflict with the purposes of including land within the Green Belt. Having regard to paragraph 88 of the Framework, I give substantial weight to the totality of harm to the Green Belt.

#### *Character and appearance*

12. The appeal site is located within an extensive area of woodland. In common with many neighbouring properties, the appeal dwelling is situated within a substantial plot and is set back some considerable distance from the road, with a significant number of mature trees within and near the site. As a result, notwithstanding the extent of residential development within the locality, the local area has a verdant quality, with a quasi-rural sylvan character. From the evidence before me, including my visit to the site, there is considerable variation in the design of individual nearby dwellings. Whilst plot sizes vary and some higher density development exists within the wider area, this absence of uniformity in design approach complements the loose-knit spacious pattern of development in the immediate vicinity of the appeal site and makes a positive contribution to the visual qualities and overall character of the area.
13. The proposed rear extension would materially alter the plan form of the building and extend across much of its rear elevation, to a significant depth. Due to its sizeable overall scale, bulky form and visually awkward design, this element of the proposal would result in an unsympathetic and dominant

addition to the dwelling, which would materially detract from its existing appearance. As a result, the proposal would erode the distinctive character of the dwelling and adversely affect its immediate setting. For these reasons, although public views of the rear of the site are very limited, the proposal would nevertheless materially diminish the contribution of the dwelling to the qualities of the area, which would cause harm to its local character.

14. Given the relationship of the appeal dwelling to the road, the overall effect of the proposal on the streetscene would be relatively modest. In addition, I consider that the proposed alterations to the front of the dwelling and external materials would be complementary to its existing design. Furthermore, from the details provided, I am satisfied that the appeal scheme would not have an unacceptable effect on preserved trees on or near the site. Evidence has been provided of a number of larger dwellings on smaller plots within the area and although the proposal would increase the extent of built form on the site, a significant area of largely undeveloped garden land would remain. However, I find that none of these matters, either individually or cumulatively, would be sufficient to address the adverse impacts identified above.
15. Accordingly, overall, I conclude that the proposal would have a harmful effect on the character and appearance of the area, to which I give significant weight. It would not be in accordance with LP Policy ENV5, where it seeks to protect local character and appearance. It would also not meet the aims of paragraph 17 of the Framework, to achieve high quality design and take account of the different roles and character of different areas. Policies from the DP have also been drawn to my attention in relation to this issue. As this is an emerging development plan document, its policies may be subject to change and this considerably limits the weight that I give to them. Nonetheless, they do not lead me to an alternative conclusion in these regards.

#### *Other considerations*

16. I have no doubt that the proposal would be conducive to modern family living, by improving the layout and function of accommodation within the property, as well as significantly increasing the amount of living space provided. As such, I recognise that it would be of significant benefit to the appellant and her family. However, given its size, the existing dwelling would appear to offer some flexibility in its potential use. Furthermore, I am not satisfied that it has been adequately demonstrated that the proposal represents the only viable or feasible way to achieve improvements to the layout of accommodation. In addition, it has not been suggested, nor do I consider given the existing qualities of the dwelling and its location, that the proposal would be necessary to secure the continued residential use of the building. Accordingly, whilst these matters weigh in favour of the scheme, I give them only moderate weight.
17. The appellant has indicated that significant additions to the property, which cumulatively would exceed the floor area of the appeal proposal by some 5 square metres, could be undertaken using 'permitted development rights'. Whilst the substantive evidence provided in this regard is relatively limited, even if these alterations to the dwelling could take place without the need for a specific permission, I am not satisfied that they would be reasonably likely to occur.

18. The layout and form of the alternative extensions would appear unlikely to address the identified need for reconfigured accommodation within the dwelling and would also protrude significantly into the rear garden, which would potentially have an adverse impact on its functional relationship to the dwelling. Consequently, I am not persuaded that these alternatives represent a reasonably realistic fallback position in relation to the proposal. Moreover, the details provided indicate that these alternative extensions would be single-storey additions and, from the evidence available to me, I am not satisfied that their overall impact would be significantly more harmful than that of the appeal proposal. As such, they are not matters that weigh materially in its favour, but have a neutral impact in my consideration of the scheme.
19. Given the context of the site and the details proposed, the appeal proposal would not be harmful to the living conditions of neighbouring occupiers and would not have an adverse effect on the local highway network or the provision of on-site parking. Furthermore, from the details provided, I am satisfied that it would not be likely to have an adverse effect on protected species. However, the absence of harm in these respects weighs neither for nor against the scheme, but has a neutral impact in my overall consideration of the appeal.
20. A number of developments nearby have been drawn to my attention. I do not have full details of these other proposals or the background to those decisions. However, on the limited information available to me, I am not satisfied that the planning history and the impacts of these other schemes would be directly comparable to those of the appeal proposal. In any event, the existence of other development elsewhere does not represent an appropriate reason to allow a proposal that would cause harm. As such, these other developments do not lead me to alter my findings in respect of the appeal proposal, which I have considered on its merits and in light of all representations made.

## **Conclusion**

21. The development would be inappropriate development within the Green Belt and I give substantial weight to this and the harm to openness. In addition, I give significant weight to the harm to the character and appearance of the area. The proposal would have some benefits, which weigh in its favour and lend support for the development. However, when considered overall and having regard to all other matters raised, I conclude that the other considerations in this case would not clearly outweigh the totality of harm that would be caused by the appeal development. Consequently, the very special circumstances necessary to justify the development do not exist.
22. For the above reasons, I conclude that the appeal should be dismissed.

*A Napier*

INSPECTOR