

Appeal Decision

Site visit made on 16 January 2017

by J L Cheesley BA(Hons) DIPTP MRTPI

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

Decision date: 23 January 2017

Appeal Ref: APP/J1915/D/16/3161279

12 Foxdells, Birch Green, Hertford, Hertfordshire SG14 2LS

- 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 and Mrs Paul Rowbotham against the decision of East Herts Council.
 - The application Ref 3/16/1358/HH was refused by notice dated 2 August 2016.
 - The development proposed is a two-storey side extension.
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Decision

1. The appeal is dismissed.

Main issue

2. I consider the main issue to be whether the proposal amounts to inappropriate development in the Green Belt, and if so, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. The National Planning Policy Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
 4. The Framework explains that the extension or alteration of a building is not inappropriate in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building.
 5. Saved Policies GBC1 and ENV5 in the East Herts Local Plan Second Review (2007) are broadly in accordance with the Green Belt aim and purposes in the Framework.
 6. The appeal dwelling has previously been extended to include a rear conservatory with a floorspace of some 22m². I note that the original part of the dwelling has a floorspace of some 105m². The proposed two-storey side extension would have a floorspace of some 49m². The cumulative additions of the conservatory and the proposed side extension would result in a 67% increase in floorspace over that of the original dwelling.
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7. In accordance with the Framework, I consider it necessary to consider the scale, bulk and design of the cumulative additions as well as calculations of floorspace. The existing conservatory has added bulk to the rear of the dwelling. The proposed side extension would increase the scale and bulk to the side. The original dwelling was a modest two-storey end of terrace property, which would be significantly enlarged by the cumulative additions.
8. For the above reasons, I consider that the cumulative additions of the previous conservatory extension and the proposed extension would amount to disproportionate additions to the original dwelling. Therefore, I consider the proposal would be inappropriate development, which the Framework states is, by definition, harmful to the Green Belt.
9. Added to the harm of being inappropriate development is the impact that the proposal would have in diminishing the sense of openness of this part of the Green Belt and any other harm.
10. In my opinion, due to the cumulative additions to the original building, particularly the sense of enclosure at first floor level, I consider that the sense of openness in this part of the Green Belt would be further eroded by the proposed extension. Therefore, I consider that not only would the proposal constitute inappropriate development, there would be additional harm with respect to the openness of the Green Belt.

Other Considerations

11. There may be exceptional occasions where granting planning permission for development that would not normally be permitted could be justified on planning grounds because of who would benefit from the permission. However, the Planning Policy Guidance states: *to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building but might, for example, result from enforcement action which would otherwise cause individual hardship.*
12. In reaching my conclusion, I have had regard to all matters raised including the personal circumstances. This is a material consideration. I have great sympathy with the personal circumstances; however, I do not consider that there is justification in this particular instance to grant planning permission solely on the grounds of personal circumstances. I have attributed some weight to this matter in my determination of this appeal.
13. The proposal includes a first floor front window, a rear window and a ground floor front window in the existing dwelling. Whilst they would respect the character and appearance of the existing dwelling and have no impact on the openness of the Green Belt, they are primarily required for the proposed internal reconfiguration. In these circumstances, as the windows are not independent from the proposal before me, I do not consider it appropriate to issue a split decision allowing the windows.

Conclusion

14. It is necessary to determine whether there are other considerations which clearly outweigh the harm to the Green Belt, hereby justifying the development on the basis of very special circumstances. For the reasons stated above, in my opinion the considerations advanced in support of the development do not

clearly outweigh the harm it would cause to the Green Belt. In conclusion, I am of the opinion that there are no material factors that would amount to the very special circumstances needed to clearly outweigh the presumption against inappropriate development in the Green Belt. Therefore, the proposal would be contrary to policy in the Framework and saved Local Plan Policies GBC1 and ENV5.

J L Cheesley

INSPECTOR