
Appeal Decision

Site visit made on 4 January 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 24th January 2017

Appeal Ref: APP/J1915/D/16/3163787
22 Hertford Road, Great Amwell SG12 9RY

- 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 Al Sam against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2018/HH, dated 25 August 2016, was refused by notice dated 10 November 2016.
 - The development proposed is a new single storey rear orangery extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - If the proposal would be inappropriate development, 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 circumstance required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

3. The appeal property is a detached house located in the settlement of Great Amwell, which lies within the Metropolitan Green Belt.
4. The Framework establishes that new buildings within the Green Belt are inappropriate development. 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. Policy GBC1 of the Local Plan¹ states that new buildings on land within the Green Belt will be inappropriate unless, amongst other things, it is for limited extensions or alterations to existing dwellings.

¹ East Herts Local Plan Second Review April 2007

5. Both parties agree that previous extensions have resulted in an increase in the size of the original building. The appellants advise that the floor area of the property has increased from 80.43 square metres (sqm) to its current 223.74 sqm. The Council assumes an original floorspace of 171 sqm and calculates the current floorspace to be 238.5 sqm. The proposal would add a further 24.75 sqm.
6. The figures differ in relation to the existing and proposed floorspace. However, it is clear that the proposal, combined with previous extensions, would cumulatively represent a significant increase in size over and above the size of the original building, particularly if the figures provided by the appellant are applied. Proportionality is primarily an objective test based on size. If the proposal were to be constructed, the size of the resulting building when compared with the original would be disproportionate. It would, therefore, be inappropriate development which is, by definition, harmful to the Green Belt.

Effect on openness

7. The extension itself would be a relatively modest addition and it would be located within the spacious rear garden where it would not be overly prominent. Nevertheless, the proposal would increase the size of the building and, consequently, it would inevitably affect the openness of the Green Belt. However, in isolation, the loss of openness would be minimal.

Other considerations

8. The appellants suggest that the previous applications were approved despite the Green Belt policy restrictions. These decisions pre-date the Framework and the existing Local Plan. Consequently, they are not comparable to the appeal before me and I give limited weight to these decisions.
9. The appellants state that other properties nearby have been similarly extended. The full balance of considerations that informed those decisions is not before me and I give limited weight to this consideration.

Conclusion

10. The proposal would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be a minimal loss of openness. Whilst there would be no harm to the character and appearance of the existing building or to the living conditions of adjoining occupiers, this is a neutral factor which does not weigh for or against the proposal.
11. Limited weight is attached to the other extensions that have been approved at the appeal property and in the vicinity. These considerations do not clearly outweigh the totality of harm. Consequently, the very special circumstances necessary to justify the development do not exist.
12. The proposal would not accord with the Framework, insofar as it seeks to protect Green Belt land, or Policies GBC1 and ENV5 of the Local Plan which limit extensions or alterations to existing dwellings in the Green Belt.
13. For these reasons given above, the appeal is dismissed.

Debbie Moore Inspector