
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/16/3163831

Hanbury Lodge, Poles Lane, Thundridge SG12 0SQ

- 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 M Crilley against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2084/HH, dated 23 August 2016, was refused by notice dated 4 November 2016.
 - The development proposed is a two storey side extension and internal alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have also dealt with another appeal (Ref APP/J1915/D/16/3163826) on this site. That appeal is the subject of a separate decision.
3. The decision notice does not cite any conflict with any development plan policies. I note nonetheless that the Planning Officer's delegated report refers to policies as GBC1 and ENV5 of the adopted Local Plan,¹ and Policy GBR1 of the emerging Local Plan.² The emerging Local Plan is at a relatively early stage of preparation and, having had regard to paragraph 216 of the National Planning Policy Framework (the Framework), I attach limited weight to Policy GBR1.

Main Issues

4. 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; and
 - 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.

¹ East Herts Local Plan Second Review April 2007

² East Herts Council Pre-Submission District Plan Consultation 2016

Reasons

Whether the proposal would be inappropriate development

5. The appeal property is a detached house which lies within the Metropolitan Green Belt. 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.
6. The property has a previous two storey extension and a detached double garage pursuant to a planning permission granted in 2004. The Council calculates that the previous and now proposed extensions would cumulatively amount to an increase in floorspace of 100 per cent. However, the appellant submits that the 2004 extension replaced a previous two storey extension which constituted part of the original building, as it was built prior to 1 July 1948.³ There is no documentary or photographic evidence to support this claim. Although the 2004 extension may have replaced an existing element, the extent of such works is uncertain. Without substantiated evidence I can give only limited weight to the possibility that the original floorspace of the house was larger on the relevant date.
7. On this basis, it appears most likely that the proposal, combined with previous extensions, would cumulatively represent a significant increase in size over and above the size of the original building. 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, therefore, be disproportionate. It would be inappropriate development which is, by definition, harmful to the Green Belt.

Effect on openness

8. Openness is an essential characteristic of the Green Belt. The two storey side extension itself would increase the bulk 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

9. The Council accepts that the proposal would respect the appearance of the existing building. Also, the appellant suggests that the siting would not be prominent and there would be little or no impact on views from public vantage points. However, these considerations do not weigh in favour of the proposal as lack of harm, in contrast to betterment, is a neutral factor.

Other Matters

10. The Council advises that the appeal property is curtilage listed in association with the former Poles Convent, which is listed grade II*. Poles Park is a registered park and garden⁴ and there are protected trees close to the appeal site.
11. The Council accepts that the proposed extension would not harm the character, appearance or the setting of the curtilage listed building. The effect on the

³ Annex 2 of the Framework defines the 'original building' as it existed on 1 July 1948

⁴ Register of Parks and Gardens of Special Historic Interest in England

setting of the former Poles Convent would be minimal due to the separation between the properties, and as the development would be contained within the garden of the appeal property, the registered park and garden would be unaffected. No harm to any of the protected trees has been identified.

12. I conclude on this matter that there would be no adverse effect on the significance of the designated heritage assets. The proposal would preserve the setting of the main part of the listed building, the appeal property and the registered park and garden.

Conclusion

13. 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 designated heritage assets, this is a neutral factor which does not weigh for or against the proposal such that these considerations do not clearly outweigh the totality of harm. Consequently, the very special circumstances necessary to justify the development do not exist.
14. The proposal would not accord with the Framework, insofar as it seeks to protect Green Belt land.
15. For these reasons given above, the proposed scheme is not sustainable development and the appeal is dismissed.

Debbie Moore

Inspector