
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/16/3163826

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 3/16/1909/HH, dated 22 August 2016, was refused by notice dated 13 October 2016.
 - The development proposed is an extension to the existing detached garage to create a games room above.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have also dealt with another appeal (Ref APP/J1915/D/16/3163831) 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 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 on the character and appearance of the area; 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 with a double garage 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 detached double garage, which is the subject of this appeal, 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 90 per cent above that of the original building. However, the appellant submits that the proposal should not be considered as a cumulative addition to the previous extensions to Hanbury Lodge as the proposal relates to the extension of the garage.
7. The Framework does not make any specific reference to outbuildings. Nevertheless, given that the proposal is a building, paragraph 89 would logically apply to the proposal to extend the outbuilding. As such, an extension or alteration to the garage may not be inappropriate provided that it does not result in a disproportionate addition. In my view, the garage is part of the dwelling in the sense that it is a domestic adjunct. Moreover, the addition of the games room would provide an extension of the domestic accommodation. The fact that the garage/games room would be separated from the main house would not prevent it from being part of the dwelling.
8. It is clear that the proposal, combined with previous extensions, would cumulatively represent a significant increase in size over and above that of the host house. Proportionality is primarily an objective test based on size. If the proposal were to be constructed, the size of the resulting buildings 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, and character and appearance

9. The appellant suggests that the proposal would not undermine the purposes of including land in the Green Belt. Openness is an essential characteristic of the Green Belt. The first floor extension to the garage 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.
10. The existing garage is located relatively close to Poles Lane and is visible in views from the lane. Although the footprint would not be enlarged, the roof extension would increase the prominence of the building and it would become a more dominant structure which would not appear subservient to the main dwelling. Although the trees along the north-eastern boundary would provide some screening, the building would be particularly visible in views from the south-west.
11. The appellant advises that the wall materials would be clad in matching timber boarding, as opposed to the brick shown on the plans. However, this would not overcome the concerns outlined above regarding the increase height and mass of the building which would have an adverse effect on the semi-rural character and appearance of the area.

Other Matters

12. The Council advises that the appeal property is curtilage listed in association with the former Poles Convent, which is listed grade II*. Also, Poles Park is registered grade II on the Register of Parks and Gardens of Special Historic Interest in England, and there are protected trees close to the appeal site.
13. The Council accepts that the proposed garage extension would not harm the character, appearance or the setting of the curtilage listed building. The effect on the setting of the former Poles Convent would be minimal due to the separation between the properties. 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.
14. Consequently, 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

15. 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, and harm to the character and appearance of the area.
16. Whilst there would be no harm to the designated heritage assets, this is a neutral factor which does not weigh for or against the proposal such that this consideration does not clearly outweigh the totality of harm. Consequently, the very special circumstances necessary to justify the development do not exist.
17. The proposal would not accord with the Framework, insofar as it seeks to protect Green Belt land.
18. For these reasons given above, the proposed scheme is not sustainable development and appeal is dismissed.

Debbie Moore

Inspector