The Planning Inspectorate

Appeal Decision

Site visit made on 16 January 2017

by Michael Evans BA MA MPhil DipTP MRTPI

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

Decision date: 26th January 2017

Appeal Ref: APP/J1915/D/16/3162365
Hawkins Hall, 49 Watton Road, Datchworth SG3 6RU

- 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 P and G Glynn against the decision of East Herts Council.
- The application Ref 3/16/1468/HH was refused by notice dated 18 August 2016.
- The development proposed is described on the application form as 'replacement of existing detached double garage and studio room; a building that is in a poor state of repair, with a new garage, workshop and artist studio.'

Decision

1. The appeal is allowed and planning permission is granted for the replacement of the existing detached double garage and studio room with a new detached garage, workshop and artist studio, at Hawkins Hall, 49 Watton Road, Datchworth SG3 6RU, in accordance with the terms of the application, Ref 3/16/1468/HH, subject to the following conditions:

   1) The development hereby permitted shall begin not later than three years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2016-109-P 200, 2016-109-P 201 Rev A, 2016-109-P 202, 2016-109-P 211 Rev A, 2016-109-P 212 Rev A, 2016-109-P 601 Rev B, 2016-109-P 602, 2016-109-P 611 Rev B and 2016-109-P 612 Rev B.

   3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

   4) Prior to the commencement of any building works, details of measures for the protection of great crested newts during development shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Preliminary Matter

2. In the decision above I have amended the description of development given on the application form to make clear that the new building would be detached. I

have removed the reference to the condition of the existing building which has no bearing on the nature of the proposed development.

Main issue

3. The main issue in this appeal is whether the proposed development amounts to inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (The Framework) and development plan policy.

Reasons

Inappropriate development

4. The appeal concerns a detached dwelling located within the Green Belt where Government policy in the Framework identifies development that would not be inappropriate. The extension or alteration of a building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.

5. East Herts Local Plan Second Review, April 2007, Policy GBC1 identifies limited extensions in accordance with Policy ENV5 as not being inappropriate in the Green Belt. Outside certain settlements, as in this case, Policy ENV5 indicates that extensions or outbuildings should not, by themselves, or cumulatively with other extensions, disproportionately alter the size of the original dwelling. Given that it would be a normal domestic adjunct to the host dwelling in fairly close proximity, the proposed outbuilding can reasonably be treated as an extension for the purposes of both the development plan and Framework.

6. The Council indicates that the floor area of the original dwelling, which comprises the original building in the terms of the Framework, has previously increased by just under 50% from the construction of a single storey extension. The proposed structure would have a deeper footprint and extend closer to the road than the outbuilding to be replaced, while having a footprint of 70 sq m compared to 39 sq m and being 0.9m higher. Nevertheless, the relevant policies do not set any specific floorspace or size threshold and I shall consider whether the original dwelling would appear disproportionately larger.

7. The previous extension has a single storey height and relatively limited depth beyond the rear and western side of the dwelling, while not projecting beyond the flank that would be adjacent to the new building. Despite its depth and projection beyond the front of the original dwelling, the new single storey outbuilding would have a relatively low eaves level and ridge height, with a fully hipped end facing the road. There would also be a gap between the proposed building and the original dwelling.

8. These factors would significantly limit the bulk of the proposed building and alleviate its perceived effect on the size and scale of the enlarged property. By contrast to the original two storey dwelling the new building would have a noticeably lesser height and scale, while also having a significantly narrower front elevation. It would therefore be a subservient presence.

9. In these circumstances and taking account of the previously built extension, I consider that the new building would not result in disproportionate enlargement of the original dwelling. It is therefore concluded that the proposal would not comprise inappropriate development in the Green Belt.

10. I am reinforced in my view that the scheme would not result in disproportionate enlargement by the Council's previous acceptance of an extension at the same side of the dwelling with a footprint only slightly less than now proposed. Moreover, the perceived bulk of the enlarged dwelling would not have been mitigated by any space between it and the addition, unlike in this instance. It is also clear that the policies against which this application was considered were not materially different to those in this appeal.

11. The new building would introduce additional built volume in the Green Belt by comparison to that to be replaced and, inevitably, this will have some effect on openness. However, the form of the development in terms of matters such as its height and hipped end would significantly limit this effect. In any event, the identification of enlargement that would not be disproportionate in both the Framework and development plan as not being inappropriate represents an implicit acceptance of the resultant reduction in openness, which would not therefore be harmful.

Conclusion

12. The proposal would comply with policies in the Framework and development plan concerning development in the Green Belt. As a result and taking account of all other matters raised, it is determined that the appeal succeeds.

Conditions

13. A condition specifying the approved plans is necessary to provide certainty. The details of the facing materials used in the development should be approved by the Council in order to protect the appearance of the locality. Following the comments from the ecology consultee, a condition requiring measures to protect great crested newts during construction is justified in the interest of nature conservation.

M Evans

INSPECTOR