The Planning Inspectorate

Appeal Decision

Site visit made on 9 February 2017

by Megan Thomas **Barrister-at-Law**

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

Decision date: 23 February 2017

Appeal Ref: APP/J1915/D/16/3161211
The Brooms, 69 Lower Road, Great Amwell, Hertfordshire SG12 9SZ

- 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 & Mrs G & D Edwards against the decision of East Hertfordshire District Council.
- The application Ref 3/16/1829/HH, dated 8 August 2016, was refused by notice dated 4 October 2016.
- The development proposed is first floor side extension incorporating alterations to roof.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are

    - whether the proposal constitutes inappropriate development in the Green Belt having regard to the National Planning Policy Framework 'NPPF' and development plan policies,
    - its effect on the openness of the Green Belt
    - the effect of the proposal, including the roof alterations, on the character and appearance of the area
    - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and if so, whether there are very special circumstances justifying the proposal.

Reasons

Whether inappropriate development

3. The Brooms is a two storey detached property with a detached garage set in a spacious garden on the edge of the settlement of Great Amwell. It is within a semi-rural setting and within the Green Belt. Public views of it are not wide and there is some robust landscaping around the garden. To the south-west of the boundary lie the rear gardens of houses that front Lower Road. The house has a

two storey gabled element and some pitched roof dormer structures front and back.

4. The appeal proposal includes a first floor extension above the single storey ground floor element of the house at its south-eastern end. The roof above it would have two ridges with a small lead valley gutter in between. The scheme also proposes an enlargement of the main roof north-west of the main roof ridge across the width of the property and raising the eaves height from about 2.5m to about 4.4m. Four pitched roof dormer structures would be incorporated into the roof, resulting in a total of six dormers on the completed house. The new roof would be redesigned with an area of flat roof between two ridges.

5. The NPPF sets out the national policy approach to development in the Green Belt. It indicates that decision makers should regard the construction of new buildings as inappropriate development in the Green Belt, subject to some exceptions. New buildings includes building part of a structure and extending a building. One of the exceptions to inappropriateness relates to extending or altering a building provided that it does not result in disproportionate additions over and above the size of the original building.

6. The Brooms has already been extended. The Council has estimated the original floor space to be about 125 square metres. Extensions since then are said to total about 155 square metres. This would be an increase of about 124%. The appellants say they are not in a position to dispute those figures. The current scheme involves the provision of more floorspace, but no figure has been proffered by the appellants or the Council. In considering whether the building would be cumulatively disproportionately extended over and above its original size, I have borne in mind not only the numerical increase but also the configuration and nature of the extensions. The footprint of the building would not change but nevertheless there would be significant increases in eaves height and in the roof ridge over the existing single storey element. I have concluded that the proposal would constitute disproportionate additions over and above the original dwelling and therefore the development would be inappropriate development in the Green Belt.

7. Saved policy GBC1 of the East Herts Local Plan Second Review 'LP' indicates that limited extensions to dwellings in the Green Belt may be permitted if constructed in accordance with LP Policy ENV5. ENV5 indicates that outside the main settlements and category 1 and 2 villages, an extension to a dwelling will be expected to be of a scale and size that would either by itself, or cumulatively with other extensions not disproportionately alter the size of the original dwelling. In my view, the appeal site is outside the main settlements and category 1 and 2 villages. Whilst the Council indicates that it has a desired increase in floor space limit of 60%, evidence has not been presented to indicate that this is adopted policy and LP paragraph 8.9.2 holds that it is not possible to state categorically what maximum, size of extension is likely to be permissible, given the wide range of existing dwelling types and sizes which comprise the rural housing stock. However, given my finding in relation to disproportionality, the proposal would conflict with policies GBC1 and ENV5.

8. On this first main issue, I conclude that the proposal would constitute inappropriate development in the Green Belt and would be contrary to LP policies GBC1 and ENV5.

Impact on openness

9. The NPPF confirms that inappropriate development is by definition harmful to the Green Belt. The essential characteristics of Green Belts are their openness and their permanence. Whilst there is a visual element to loss of openness in the sense that a loss of openness is perceived by the human eye, openness is essentially an absence of built development in the Green Belt and that is one of the essential characteristics which national policy seeks to protect. I consider visual matters below. In this case, as a consequence of the increased bulk and massing of built development which would result from the proposal, there would be a loss of openness of the Green Belt.

Character and appearance

10. The enlargement of the roof would result in an area of crown roof with a flat section on top. The roof above the existing single storey section would have two pitched sections with a small flat valley gutter in between. Whilst the design is not ideal, it would not in my view be unacceptably harmful to either the host dwelling, given its current configuration, or to the wider area, given that it is a detached dwelling to which no particular local distinctiveness attaches. Furthermore, the proposed extensions and alterations would not be visible from many public vantage points.

11. Consequently, I conclude that in relation to the character and appearance of the host dwelling and the area, the proposal would not be unduly detrimental.

The Balancing Exercise

12. The appellants have highlighted the fact that some permitted development rights are available to them, albeit that some 'rights' will be subject to prior notification requirements and therefore may not be realised. The evidence leads me to conclude that there is a realistic prospect that the appellants would use any PD rights that they could, and I have had regard to these and allotted them moderate weight.

13. However, NPPF policy indicates that substantial weight must be attached to inappropriate development by reason of its inappropriateness. In addition to this harm, there is harm to the openness of the Green Belt. There is a lack of harm to character and appearance of the dwelling and the wider area but I take these to be neutral factors. I have borne in mind permitted development rights, the fact that the proposal would improve the living accommodation available to the occupiers, and also that the footprint would not be increased. However, the balancing exercise leads me to the conclusion that harm is not clearly outweighed by other considerations and very special circumstances do not exist.

Conclusion

14. Having considered all relevant representations including the appeal decision referred to, for the reasons given, above I dismiss the appeal.

Megan Thomas

INSPECTOR