
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/16/3162847

86 Mangrove Road, Hertford SG13 8AN

- 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 Colin Eccleshall against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/1765/HH, dated 29 July 2016, was refused by notice dated 21 September 2016.
 - The development proposed is a single storey rear extension.
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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 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 appeal dwelling is semi-detached and its semi-pair is no.88 to its south. The properties are situated on the west side of Mangrove Road within a row of other houses and are within the designated Green Belt. No.86 is two full storeys in height and also has accommodation in the roof space. At the rear there is a pitched roof dormer structure and a gable-ended two storey rear element with a room in the roof. There is also a rear single storey extension with roof lantern.
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4. The appeal scheme consists of the erection of a single storey rear extension which would result in an addition about 1.8m in depth. It would extend across to the common boundary with no.88 Mangrove Road. It would be about 7.7m wide and about 3.1m high with a flat roof and would have a replacement roof lantern.
5. The NPPF sets out the national policy approach to development in the Green Belt. It indicates that in regard to the construction of new buildings in the Green Belt they should be seen as inappropriate development. There is an exception to this if the extension or alteration of a building would not result in disproportionate additions over and above the size of the original building.
6. The original building in this case has already been extended. The Council has indicated that increases in floorspace amount to about 93% but the 1948 plotting sheets show an outbuilding which is no longer present. The net increase in floorspace of the original dwelling is therefore estimated to be about 81%. The appellant does not dispute this.
7. I consider the proposal would result in a disproportionate addition over and above the size of the original dwelling. In coming to this view I have had regard to the recent appeal decision in relation to no.90 Mangrove Road (ref: APP/J1915/D/15/3137704) which granted a proposal which would result in a cumulative increase in floor area above the original dwelling of up to some 87%. However, there were distinguishing factors which led that Inspector to make that decision, amongst other things, his view that the appeal property would remain noticeably smaller than some of the other semi-detached properties and his view that visually it would be difficult to tell whether the size of the dwelling has increased as a result of the development. Neither of those factors apply to the proposal before me in my view.
8. I have had regard to other extensions to houses nearby and the depth and form of their projections from the main rear elevations of the houses. The appellant refers to the effect of the proposal to 'infill' any internally-facing courtyard on account of the single storey element at ground floor level projecting across the width of the dwelling, and contrasts the technical floorspace increase with actual impacts on character and appearance of the wider area. I have borne these factors in mind but they do not alter my view that the proposal would be cumulatively disproportionate in terms of NPPF policy.
9. 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 requires extensions not to adversely affect the amenities of the dwelling and any adjoining dwellings to a significant extent and, outside the main settlements and larger 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. 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.

10. On this first main issue, I conclude that the proposal would constitute inappropriate development in the Green Belt.

Impact on Openness

11. 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. In this case, as a consequence of the increased footprint of built development and increased mass which would result from the proposal, there would be a loss of openness of the Green Belt.

Impact on character and appearance

12. The proposed extension would be at the rear of the house and, although it would be visible in private views, it would not be open to wide public view. Its proposed form, massing and bulk are not *per se* out of keeping with the existing house and with the use of appropriate sympathetic materials, it would not harm the character or appearance of the host dwelling or the wider area. In this respect the proposal would accord with LP policies ENV1, ENV5 and ENV6.

Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations and if so would this amount to very special circumstances required to justify the proposal.

13. 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 that the proposal would improve the living accommodation and it would use available space within the land boundary. Overall however, harm is not clearly outweighed by other considerations and very special circumstances do not exist.

Conclusion

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

Megan Thomas

INSPECTOR