
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/16/3161727

15 Chanocks Lane, Gilston CM20 2RL

- 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 S Lloyd against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/1838/HH, dated 9 August 2016, was refused by notice dated 3 October 2016.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension at 15 Chanocks Lane, Gilston CM20 2RL in accordance with the terms of the application, Ref 3/16/1838/HH, dated 9 August 2016, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 11980-S001 & 11980-P004.

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
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by other considerations and if so, whether there are very special circumstances justifying the proposal.

Reasons

Whether inappropriate development

3. The appeal site is a two storey detached dwelling with 3 bedrooms and no first floor bathroom, set in a large plot in the open countryside outside the settlement of Gilston. Harlow is the nearest town. The property dates from the mid-nineteenth century and sits behind a hedge in the south-western corner of the plot. There is also a detached garage within the plot. Entrance into the dwelling is from a pitched roof single storey element on its eastern side. There are no cheek by jowl neighbours.
4. The appeal scheme is for a single storey side extension on the western elevation which would extend northwards in line with the existing northern flat-roofed single storey extension. It would have a double pitched roof with the gable ends facing west. Part of it would be a similar development form to a structure that was certified as lawful by a Certificate of Proposed Lawful Development dated September 2015 to which I refer below.
5. There is a Certificate of Lawful Proposed Development granted on appeal in March 2016 for the erection of an outbuilding to replace the garage.
6. In June 2015, planning permission (ref 3/15/0659/HH) (a renewal) was granted for a wrap-around two storey side and rear extension on the north and east sides of the house. That extension would stretch northwards for a distance of about 8m beyond the side wall of the eastern front porch, and would be positioned forward of its eastern wall. It would run behind the house on its northern side for about 10m, before joining the flat roofed section at the western end. The permission includes a first floor above this single storey section. This permission remains unimplemented but is extant.
7. In September 2015 the Council granted a Certificate of Proposed Lawful Development for the erection of a small single storey extension at the western end of the house. This would be about 3.8m long and about 4.07m deep, with a low pitched roof and a ridge line below the first floor window. It would extend the existing lounge and be built in matching bricks and slates. It is stated by the appellant that this extension was viewed by the Council as within permitted development rights.
8. In January 2016 the Council granted another Certificate of Proposed Lawful Development for a small single storey extension to replace the existing entrance porch on the eastern elevation. This would be about 4m long and about 3.2m wide with a low pitched roof. A comparison between the June 2015 planning permission for the two storey side and rear extension shows that this replacement extension would project eastwards for the same distance as that extension.
9. 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.

10. The floorspace which would be additional to what has been granted (and is extant) or deemed lawful under certificates would be about 15 sqm. The Council indicate that the proposal before me would be about a 22% increase above the floorspace of the original dwelling. The Council also indicates that the June 2015 planning permission allows about an 83% increase above the original dwelling's floorspace. The appellant has not disagreed with these figures. Considering extensions on a cumulative basis, and also taking into account the configurations and locations of those proposed additions and their impact on the dwelling, I conclude that the proposal would result in cumulatively disproportionate additions over and above the size of the original dwelling.
11. 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. 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. Given my finding in relation to disproportionality, the proposal would conflict with policies GBC1 and ENV5.
12. On this first issue, I conclude that the proposal would constitute inappropriate development and would be contrary to LP policies GBC1 and ENV5.

Impact on Openness

13. 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 footprint of built development that would result from the proposal, there would be a loss of openness of the Green Belt.

Impact on Character and appearance

14. The proposal is a simple single storey extension with a double pitched roof. It would be subservient to the main building and would not project further northwards than the existing northern extension. With the use of appropriate materials (which can be secured by planning condition), it could complement the character and appearance of the host dwelling. Notwithstanding that, its location near the mature hedge would screen it from most public views.

15. Furthermore, the planning history of the appeal site reveals that there are extensions which could be lawfully implemented and I am satisfied from the evidence that there is a real likelihood of extensions being carried out. I have therefore considered the impact against the fallback position as set out in the evidence. Overall, I consider that proposal would round off the development that has been permitted or certified, and would improve the appearance of both the western and northern elevations of the dwelling.

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.

16. 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. However, given the fallback development, the additional mass that would be allowed pursuant to the proposal before me is small and I attribute very little weight to the loss of openness in this particular case. There would be an improvement to the appearance of the host dwelling, given the fallback position. This is a positive factor in favour of planning permission. The appellant has referred to the ability of the proposal to link the small certificated western single extension to the existing kitchen. The proposed development would also facilitate a direct link from the enlarged kitchen into the rear garden. The house is an unusual one in having a particularly constrained configuration and awkward circulation. The link that the proposal would facilitate, and the improvement in the quality of living conditions for the family is therefore given substantial weight in this particular case.

17. I conclude therefore that the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations and there are very special circumstances to justify the proposal.

Conditions

18. In order to protect the character and appearance of the host property, I impose a condition requiring the materials to be used in the external surfaces of the development to match those used in the existing building.

19. In the interests of certainty, I also impose a condition which requires the development to be carried out in accordance with the approved plans.

Conclusion

20. Having considered all relevant representations, for the reasons given, above I allow the appeal.

Megan Thomas

INSPECTOR