
Appeal Decision

Site visit made on 22 February 2017

by **S J Lee BA(Hons) MA MRTPI**

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

Decision date: 17th March 2017

Appeal Ref: APP/J1915/D/16/3163189

1 Bakers Cottages, Broad Oak End, Hertford SG14 2JA

- 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 M & A Hoodless against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/1607/HH, dated 14 July 2016, was refused by notice dated 8 September 2016.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. While not referred to in the Council's decision notice or evidence, they have provided me with copies of a number of policies from the Pre-Submission Draft of the East Hertfordshire District Plan. I understand this was consulted on until 15 December 2016. However, as far as I have been made aware the plan has not been subject to Examination and thus I have given the policies little weight in my decision and have not referred to them below.

Main Issues

3. The main issues are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - (b) The effect on the openness of the Green Belt; and
 - (c) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development within the Green Belt

4. The Framework establishes that new buildings within the Green Belt are inappropriate unless they meet one of a number of exceptions. These include the extension and alteration of a building providing it does not result in disproportionate additions over and above the size of the original building¹.

¹ See paragraph 89 of the Framework.

5. Policy GBC1 of the East Hertfordshire Local Plan Second Review (2007) (LP) also states that within the Green Belt, new buildings will be considered inappropriate unless, amongst other things, it is for a limited extension or alteration of an existing dwelling in accordance with Policy ENV5. Policy ENV5 requires an extension to be of a scale and size that would not, either by itself or cumulatively, disproportionately alter the size of the original dwelling. Whilst criterion (d) of Policy GBC1 does not reflect the exact wording of the Framework with regard to extensions, when read in conjunction with Policy ENV5, I am satisfied there is a broad consistency with the Framework and that significant weight can be given to these policies in the context of extensions to existing dwellings. Policy GBC1 is also consistent with the Framework insofar as inappropriate development in the Green Belt will only be permitted if 'very special circumstances' can be demonstrated².
6. In determining whether or not an extension or alteration would be disproportionate, the starting point must be the original size of the dwelling. Annex 2 of the Framework defines this as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built. The Council's evidence suggests the original floorspace of the dwelling was around 93 square metres (sqm). Two subsequent additions in the form of the annex and a two storey side extension have resulted in around 87 sqm of additional floorspace. These represent an increase of some 98% over and above that of the original building. The development itself would result in approximately 7.8 sqm of additional floorspace. This would take the cumulative increase to around 102% of the original dwelling. This clearly represents a significant increase in the size of the original building over time.
7. The appellant has provided two historic maps, ostensibly published in 1927 and 1947, which show a building in place on the site of the annex and that other out buildings existed on the site prior to 1948. However, they have not sought to specifically refute the Council's measurements regarding the size of the original building or provide alternative statistics. Therefore, with no other substantive evidence before me, I see no reason to not accept the Council's figures.
8. The appellant has suggested that the question of proportionality should not be based purely on quantitative matters, but should also take the effect on openness and rural character into account. Here they refer to Policy ENV5. However, I consider reference to these factors to be a separate limb to the consideration of extensions and alterations, rather than a consideration of proportionality itself. In any event, there is no provision within the Framework for the effect on openness or character to be factors considered in whether an extension or alteration is disproportionate. The question is fundamentally that of the relative cumulative size of any additions over and above the original building and I have limited my consideration of the issue to this factor only.
9. Therefore, while I recognise the overall increase in the size of the building as it is today would not be significant, the development would still contribute to an approximate doubling in size of the original dwelling. Irrespective of the fact that neither the Framework nor LP establishes a threshold for proportionality, this level of increase cannot be considered to be proportionate to the original dwelling size or within the spirit of the Green Belt exception. Consequently,

² See also paragraph 87 of the Framework.

when considered cumulatively with previous extensions, the development would result in disproportionate additions to the size of the original dwelling. Taking into account the requirements of Policy ENV5, the development would not reflect the exceptions set out in Policy GBC1 or those in paragraph 89 of the Framework. As such, the proposal would result in inappropriate development in the Green Belt. By definition, this is considered to be harmful to the Green Belt.

Effect on openness of the Green Belt

10. Paragraph 79 of the Framework states that openness is an essential characteristic of the Green Belt. Openness implies freedom from built development rather than the visual effect of the proposed alterations on the character and appearance of the surrounding area.
11. The development would result in the squaring off and bringing forward of the front wall of the existing link between the main dwelling and annex. The hipped roof glazed roof lantern would also lead to a small increase in the height of the building, though this would not extend across its full width or depth. Whilst the increase in footprint would be modest, it would extend into an area that is currently patio. This, coupled with the increase in volume of the built form, would still result in a small negative effect on openness. Consequently, there would be a degree of harm arising from this, in addition to that arising from the inappropriate nature of the development.

Other considerations

12. The Council have raised no concerns over the impact of the development on any other relevant factors, including any effect on the living conditions of neighbouring residents. The site is also within the designated Goldings Park Historic Garden, but there is no suggestion there would be any harmful effect on this heritage asset. I saw nothing to suggest I should come to a different conclusion on these matters. Nevertheless, an absence of harm is a neutral factor and does not weigh in favour of the development in terms of balancing the harm to the Green Belt identified above.
13. There would be some minor improvements to the external appearance of the dwelling as a result of the development. However, the part of the dwelling that is being replaced is not large or a prominent feature in the wider landscape. Furthermore, it is not of such a poor quality of design or construction to have a materially harmful impact on the character and appearance of the host dwelling or wider area. Therefore, I have given only limited weight to this factor.
14. No other benefits associated with the development have been identified.

Other matters

15. The appellant has suggested they have examples of appeal decisions where Inspectors have supported their view that a purely quantitative approach to assessing proportionality is not appropriate. Examples of these decisions have not been provided. Therefore, I am not able to confirm whether this is the case, or whether such appeals represent direct parallels to the appeal before me. In any event, I have considered the appeal on its own merits based on the evidence before me and my own observations.

16. In coming to my decision, I have had regard to the fact that the previous permission took the cumulative size of additions to 98% of the original building and this was considered acceptable by the Council. I do not, however, have the full details of this decision and thus do not know the policy context or reasons it was permitted. Nevertheless, this does not alter my view that the cumulative increase in the size of the building resulting from the proposal before me would be disproportionate.

Conclusion

17. In conclusion, I have identified that the proposal would result in inappropriate development in the Green Belt as defined by the Framework. It would also have some impact on the openness of the Green Belt. The development would, therefore, be harmful to the Green Belt and the Framework indicates that such harm should be given substantial weight.
18. As explained above, only limited weight can be given to other considerations cited in support of the proposal and this would not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. In this regard, there would be conflict with LP policies GBC1 and ENV5 and paragraph 89 of the Framework. For this reason, I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR