

Appeal Decision

Site visit made on 3 April 2017

by Chris Couper BA (Hons) DiP TP MRTPI

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

Decision date: 26 April 2017

Appeal Ref: APP/J1915/D/17/3168485

20 Bishops Road, Tewin Wood, Tewin AL6 0NW

- 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 Mercer against the decision of East Hertfordshire District Council.
 - The application ref: 3/16/2602/HH, dated 16 November 2016, was refused by notice dated 12 January 2017.
 - The development proposed is 'remove existing bay and roof structure to the rear of the house, replaced with new bay windows and flat roof balcony area. Removal of existing conservatory, replaced by single story orangery with glass roof lantern to the rear of the property. Existing front door, porch area and window to the front of the house to be removed and replaced with proposed front door and porch area. Removal of existing windows to the left elevation and replaced by proposed window. Internal changes include removal of existing wall between kitchen and dining room, proposed utility area and proposed internal double door and single door sets'.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of the existing bay and roof structure to the rear of the house, replaced with new bay windows and a flat roof balcony area; the removal of the existing conservatory, replaced by a single storey orangery with a glass roof lantern to the rear of the property; the existing front door, porch area and window to the front of the house to be removed and replaced with a proposed front door and porch area; the removal of the existing windows to the left elevation and replacement with a proposed window; internal changes to include the removal of an existing wall between the kitchen and the dining room, a proposed utility area and a proposed internal double door and single door sets at 20 Bishops Road, Tewin Wood, Tewin AL6 0NW, in accordance with the terms of the application, Ref 3/16/2602/HH, dated 16 November 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 development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos. 5934-1 Rev C and 5934-2 Rev C.
 - 3) The materials to be used in the construction of the external surfaces of the masonry walls, and the roof of the porch hereby permitted shall match those in the existing building.
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Main Issue

2. The main issue is whether or not the proposal constitutes inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies.

Reasons

3. The site is located within the Green Belt where the National Planning Policy Framework ('Framework') states that inappropriate development is, by definition, harmful, and should not be approved except in very special circumstances. It regards the construction of new buildings as inappropriate, unless, amongst other things, at bullet point 3 of paragraph 89, it is the extension or alteration of a building, provided that it does not result in 'disproportionate additions' over and above the size of the 'original building'.
4. In addition to the Framework, the Council's decision refers to policies GBC1 and ENV5 of the East Herts Local Plan Second Review 2007 ('LP'). However, those policies pre-date the Framework, which states that in such circumstances, due weight should be given to relevant policies according to their degree of consistency with it.
5. LP policy GBC1 sets out that limited extensions or alterations to existing dwellings in the Green Belt in accordance with policy ENV5 may be allowed. Amongst other criteria, policy ENV5, which applies to dwellings within and outside the Green Belt, sets out that extensions to houses outside the main settlements and villages should, cumulatively, be of a scale and size that would not disproportionately alter the size of the original dwelling, nor intrude into the openness of the area. Consequently, whilst there are some differences between the LP policies and the Framework, I concur with the appellants that its overall thrust broadly aligns with the national approach.
6. No. 20 Bishops Road is a large detached dwelling on a landscaped plot. The Council sets out that it had an original floor area of around 200sqm. However, it calculates that extensions to the side, front and rear have added 190sqm, amounting to around a 95% increase in floor area. It estimates that the replacement of the conservatory with an orangery would result in a net increase of 2sqm, and a cumulative floor area increase of 96%. The appellant has not contested those figures, and I have no reason to dispute them.
7. The Council contends that as the extensions to the original building amount to disproportionate enlargements, any further enlargement would be inappropriate development. In the Green Belt it has typically considered extensions of around 50% of the original floor area to be proportionate, and has cited appeal decisions where floor area increases of 69% and 74% were found to be disproportionate. However, I agree with the Council that any purely mathematical calculation must be used with care, and tempered by an assessment of actual harm.
8. The proposed orangery would have a broadly similar maximum height and depth to the conservatory, and would be only very marginally wider. In terms of size it would be virtually a like-for-like replacement. The proposed replacement porch would be an open-fronted structure, with little solid bulk, and it would be visually contained within the dwelling's broader footprint.

9. Consequently, whilst the Council states that the scheme would result in a slight increase in floor area, I agree with the appellant that the proposal in effect represents largely cosmetic enhancements which would not materially add to the size of the dwelling. Whether or not previous extensions to the original building have amounted to disproportionate additions, I am satisfied that as this development would largely replace existing extensions with no material increase in size, this scheme would not result in a disproportionate addition.
10. Although both parties refer to permitted development rights, given my conclusions, I have not found it necessary to consider that matter further.
11. For the above reasons, the scheme would not be inappropriate development in the Green Belt, and would not conflict with the Framework, or with LP policies GBC1 and ENV5. Furthermore, it would not conflict with emerging policy GBR1 of the East Herts Draft Plan 2016 which requires applications to be considered in line with the Framework.
12. Impact on openness is implicitly taken into account in the exception at bullet point 3 of Framework paragraph 89. Consequently, although the Council additionally contends that the scheme would intrude into the Green Belt's openness, having concluded that the development would not be inappropriate, it is not necessary for me to separately assess its impact on openness.
13. Turning to the matter of conditions, I have considered those suggested by the Council against the Framework's tests. In addition to the standard time limit condition, in the interests of certainty, I have imposed a condition requiring that the development be carried out in accordance with the approved drawings. Various facing materials, including for flat-roofed areas and the frame of the orangery and its lantern roof, are set out on the drawings. Consequently, my third condition requiring matching materials, which is imposed in the interests of the character and appearance of the host property, is amended from that more generalised condition suggested by the Council.
14. Summing up, the scheme would not be inappropriate development in the Green Belt and would therefore not harm its openness. Consequently, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR