

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/17/3168928

South Lodge, Hertford Road (B1000), Tewin, Hertfordshire AL6 0JQ

- 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 Andrew Budge against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2305/HH, dated 10 October 2016, was refused by notice dated 1 December 2016.
 - The development proposed is single and two storey extensions.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) 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;
 - ii) the effect of the proposal on the openness of the Green Belt and the purposes of Green Belt designation; and
 - iii) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations such as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether or not inappropriate development

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, 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.
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4. As well as alleging that the scheme would be contrary to the Framework, the Council states that it would be contrary to policy GBC1 of the East Herts Local Plan Second Review 2007 ('LP'). Given its age, in accordance with Framework paragraph 215, due weight should be given to the policy according to the degree of consistency with it.
5. LP policy GBC1 sets out that new buildings in the Green Belt will be inappropriate unless they are, amongst other things, limited extensions or alterations to existing dwellings in accordance with policy ENV5. Amongst other criteria, policy ENV5, which applies equally 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 the general thrust of those LP policies is broadly similar to the Framework, I agree with the appellant they are not wholly in accordance with it. That limits the weight that I give to them.
6. The Council's decision also refers to policy GBR1 of the East Herts Pre-Submission District Plan Consultation 2016 ('PSDP'). It sets out simply that proposals will be considered in line with the Framework. As a result, although it has not been adopted and does not form part of the development plan, I agree with the appellant that considerable weight may be given to that policy.
7. The Council's statement that the original dwelling at South Lodge had a floorspace of 84sqm is not disputed by the appellant. Taking account of previous extensions and this proposal, the Council calculates that the net floorspace increase would be 153.99sqm. However, the appellant disputes that, and sets out at paragraph 4.2.1 of his statement that, taking account of demolition, the net floorspace increase would be 122.17sqm. Nevertheless, even using that lower figure, I have no reason to disagree with the appellant that the percentage increase would be 'quite high'.
8. Although no part of the proposal would be any taller than the original building, it would extend the property in an easterly direction by approximately 6m, partly at two storeys. Additionally, a two storey extension would be added to the northern elevation, which would be linked to the existing wing by a flat-roofed two storey section. The building's footprint would change from roughly an 'L' shape at present (although I understand that it used to have a canopy) to a much larger rectangular shape. Whilst mathematical calculations alone are a rather crude measure, for all those reasons I conclude that, cumulatively, and taking account of demolition, the scale of the extensions here would amount to a disproportionate addition to the original building. The proposal would therefore be inappropriate development in the Green Belt and would conflict with the Framework, PSDP policy GBR1, and LP policy GBC1.

Openness and the purposes of the Green Belt

9. I have concluded that the proposal would constitute a disproportionate addition to the original building. The scale and quantum of the proposed development would be considerable. On this fairly open plot in the countryside with limited boundary treatment, the scheme, which would extend the built form to the east, would have a notable visual impact. It would be fairly prominent for instance, in public views when approaching along Hertford Road from the east.

Consequently, the scale of the proposed development would have an impact on the openness of the Green Belt in this location, and it would thereby conflict with one of the Green Belt's essential characteristics, as defined by Framework paragraph 79. Although that impact would cause limited harm, it nevertheless adds to the harm that I have found as a result of the scheme's inappropriateness.

10. The appellant maintains that the scheme would not undermine or conflict with any of the five purposes that Green Belts serve, as listed at paragraph 80 of the Framework. However, for the reasons above, in my view, this disproportionate addition in this location would conflict, albeit to a limited degree, with the purpose of safeguarding the countryside from encroachment.

Other considerations

11. The appellant maintains that, even if the development is found to be inappropriate, the scheme would result in qualitative improvements which would enhance the building's character and appearance. I observed on my visit that South Lodge is in need of care and attention, and I have no reason to doubt that it suffers from rising damp and poor insulation.
12. The building has a rather incongruous two storey extension whose flat roof is taller than the adjacent eaves line, and which contrasts unfavourably with South Lodge's otherwise ridged roof. However, that extension's position away from the road and contained within the 'L' of the building's footprint, together with its matching white-painted masonry finish, limits its visual impact. Consequently, its replacement with new extensions, which would also be partly flat-roofed, would not result in a significant benefit to the character and appearance of the host property or the area. Furthermore, I am not persuaded that this scheme is the only way in which that issue, nor the general deficiencies in the building's fabric and appearance, could be addressed.

Conclusions

13. In conclusion, the proposal would be inappropriate development in the Green Belt as defined by the Framework, and would additionally have a limited effect on the area's openness. I have given those harms substantial weight in my decision.
14. Whilst the existing building is clearly in need of improvements to its fabric and appearance, and its existing flat-roofed extension is somewhat incongruous, I am not persuaded that this scheme is the only way in which those matters could be addressed. Consequently, I find that the other considerations in this case do not clearly outweigh the harm that would be caused to the Green Belt. As a result, the very special circumstances necessary to justify the development do not exist, and having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR