



Appeal Decision

Site visit made on 11 April 2017

by Philip Willmer BSc Dip Arch RIBA

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

Decision date: 08 May 2017

Appeal Ref: APP/J1915/D/17/3169260

5 East Riding, Tewin Wood, Tewin, Hertfordshire, AL6 0AP.

- 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 C. O'Farrell against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2367/HH, dated 20 October 2016, was refused by notice dated 22 December 2016.
 - The development proposed is a single storey front extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues in this case are:
 - a) whether the proposal constitutes inappropriate development in the Green Belt;
 - b) the effect of the proposal on the character and appearance of the host property; and
 - c) its effect on existing protected trees.

Reasons

3. The property the subject of this appeal, 5 East Riding, is a large two-storey dwelling located in a substantial mature corner garden plot. Tewin Wood, which is characterised by similar large dwellings in large plots, is situated within the Metropolitan Green Belt.
4. Number 5 is set back in the plot from the road behind dense hedge. To the eastern boundary there is a large oak tree which is the subject of Tree Preservation Order 410 (TPO).
5. The appellant proposes a single storey contemporary styled and detailed addition to the eastern façade of the house that would be in contrast to the more vernacular design of the existing dwelling. The proposed extension would be single storey with large areas of glazing under a flat roof.

Whether the proposal constitutes inappropriate development in the Green Belt

6. Policy GBC1 of the East Herts Local Plan Second Review April 2007 (LP) allows for limited extensions to dwellings within the Green Belt. LP Policy ENV5 requires extensions, cumulatively with those previously added, to not disproportionately alter the size of the original dwelling house. These policies are broadly consistent with the National Planning Policy Framework (the Framework), which advises at paragraph 89 that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, one of the six exceptions given to this 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.
7. From the Council's evidence, and this is not contradicted by the appellant, I understand that the original house had a floor area of approximately 248.9 square metres, that it has previously been extended (planning permissions 3/87/0587/FP, 3/99/0189/FP, 3/99/0965/FP and 3/03/1651/FP) and that these earlier additions cumulatively represent an increase in floor area of some 152 square metres. Accordingly the Council states that the total increase in floor area to date has been some 61%. I also note that the proposed addition would have a floor area of 48 square metres or so. When added to the earlier approved extensions this would amount to an increase in floor area of about 200 square metres or so. According to the Council's evidence, therefore, if this extension were to be built the cumulative overall increase in floor area, as a percentage of the size of the original dwelling house, would I understand be about 80%.
8. However, the appellant has referred me to planning permission Ref: 3/03/1651/FP. I understand this earlier development included for the removal of an existing detached double garage in the location of the extension the subject of this appeal. From the drawing provided the garage was located close to the existing house such that it could, in my opinion, be considered a normal domestic adjunct to the house.
9. The appellant states, and the Council has upon enquiry not raised an objection to his assertion, that if the removal of the garage were taken into account when calculating the proposed cumulative increase in floor area over the size of the original house it would only be some 61% and not 80% as the Council suggested. On this basis, in terms of the cumulative increase in floor area alone, I consider that the proposed extension would not disproportionately alter the size of the original dwelling house.
10. However, the Framework refers to 'size', consequently in addition to floorspace it is the overall size increase in terms of volume and external dimensions that also need to be taken into account. Having regard to the mass and form of the original dwelling house and while taking into account the previous removal of the former double garage, even assuming that it only had a flat roof, I do not consider on balance that due to its size and form that the proposed addition, when considered with the earlier extensions, would cumulatively result in disproportionate additions over and above the size of the original building.
11. I therefore conclude, in respect of the first main issue, that the proposal is not inappropriate development.

Character and appearance

12. The proposed single storey flat roof extension has been designed in a contemporary style that would contrast with the traditional, more vernacular design of the host property.
13. In my judgement, given the proposed addition's single storey form, height, fenestration pattern and contrasting modern design, I believe that it would not significantly add to the overall visual mass of the main house. Indeed it would appear as a subservient addition that would, in my judgement, add to the overall visual interest of the host property.
14. I therefore conclude in respect of the second main issue that the proposed extension would accord with the objectives of the Framework and LP Policies ENV5 and ENV6 as they, along with other things, relate to the quality of development and the need for extensions to compliment the host property.

Effect on existing protected trees of amenity value

15. From both the application drawings and my observations on site it is clear that the proposed extension would be built within the root protection area of a large oak tree protected by the TPO. The appellant has not submitted an arboricultural impact assessment so that the potential impact on the protected tree can be assessed.
16. I appreciate that it is likely to be in the interests of the appellant to maintain the verdant nature of the appeal site and therefore not to lose any trees. While the Council did not ask for an arboricultural implications assessment at the application stage, given the proximity of the tree to the extension, it was nevertheless, in my opinion, reasonable to assume that one would have been necessary for the proper consideration of the application and subsequently this appeal.
17. I note that when the earlier application (Ref: 3/03/1651/FP) was considered that the Council addressed the potential impact on the trees by way of a condition requiring the retention and protection of the existing trees. However, based on the drawings before me, it is clear that those trees were in all probability smaller than the oak tree here and sited further from the extension proposed at that time.
18. I consider that construction of the extension would be likely, in terms of ground works (foundations, floor construction, drains, services etc.), to impact on the roots of the TPO tree. Further, given the proximity of the tree and its size it may also, over time, impact on the proposed extension and occupants (by way of the dropping of leaves/debris on the flat roof, overshadowing of the roof-light terrace areas etc.) which in turn might well lead to pressure to remove overhanging branches or ultimately its removal altogether. Due to the proximity of the tree to the extension this would be difficult for the Council to resist.
19. I therefore conclude in respect of the third main issue that it would not be appropriate to consider this appeal without the benefit of a detailed arboricultural survey and report. The proposal would thereby be contrary to LP Policies ENV1, ENV2 and ENV11 as they relate, amongst other things, to the

protection of existing trees and the desirability of minimising the loss or damage of any important landscape features.

Conclusions

20. I have concluded that the proposed extension would not be an inappropriate form of development. I have also found that as designed the extension would not cause harm to the character and appearance of the host building. However, these considerations are outweighed by the potential unacceptable harm to the oak tree, the subject of a TPO. To my mind this is a compelling objection.

21. Accordingly, for the reasons given above and having regard to all other matters raised, I conclude that the proposal is not in accordance with the development plan, when read as a whole, and that the appeal should be dismissed.

Philip Willmer

INSPECTOR