
Appeal Decision

Site visit made on 25 April 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 11th May 2017

Appeal Ref: APP/J1915/D/17/3172119

19 Gilston Lane, Gilston CM20 2RF

- 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 Michael Highstead against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2648/HH, dated 28 November 2016, was refused by notice dated 6 February 2017.
 - The development proposed is described on the application form as "a double storey extension".
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt and the character and appearance of the area; and
 - If the proposal would be inappropriate development, whether the harm by reason of its inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal is inappropriate development in the Green Belt

3. The appeal site is within the Metropolitan Green Belt in the small village of Gilston. Paragraph 89 of the NPPF establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves the extension or alteration of a building that does not result in disproportionate additions over and above the size of the original building.
 4. Policy GBC1(d) of the East Herts Local Plan Second Review April 2007 ('the Local Plan') states that limited extensions or alterations to existing dwellings in accordance with Policy ENV5 will not be inappropriate development. Policy
-

ENV5, amongst other things, expects an extension to a dwelling outside of main settlements and larger villages "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 nor intrude into the openness or rural qualities of the surrounding area". This policy approach is consistent with the approach of the NPPF to the Green Belt.

5. The existing property is largely unaltered as a modest semi-detached cottage of Victorian origin with an outbuilding at the rear. The proposed development involves a two storey side extension and front porch. The Council estimates that the development would double the floor space of the original building including the rear outbuilding, with the width of the front elevation more than doubled. It is also evident from the plans that the footprint and volume of the building would more than double.
6. The NPPF and above Local Plan policies do not quantify what constitutes an acceptable increase in the size of building, and so there is a need to apply a qualitative judgement in each case. While the development would be a continuation of the original building and reflect its detailing, the scale would be considerable and would overwhelm and compete with the original building due to its size, height and prominent siting. It would go beyond what could reasonably be described as a proportionate increase in size. Therefore, the proposal would result in a disproportionate addition to the original building and would be inappropriate development within the Green Belt.

Effect on openness, and on character and appearance

7. Paragraph 79 of the NPPF states that openness is an essential characteristic of the Green Belt. The scale of the proposed development would erode the space to the side of the existing property in terms of footprint and volume. The gap between the existing property and the Grade II listed building at High Gilston would reduce significantly and the view from the road between the properties to the countryside beyond would greatly diminish. Given the scale of development and its visibility from the road, the harm to openness would be significant.
8. The existing property has an attractive character and appearance as a historic cottage and retains its original proportions and detailing. I agree with the Council in the officer's report that due to the development not being subservient, there would be harm to the character and appearance of the property. This harm is offset to some extent by the proposed detailing and design of the extension, but is still significant due to the size and siting.

Other considerations

9. The appellant highlights the East Herts District Plan Pre-Submission Consultation 2016 ('the emerging District Plan') which proposes a strategic allocation for 10,000 homes in the Gilston Area as outlined in the provided extracts. The Council indicates that policies in the emerging District Plan can be afforded increased weight given it has completed its pre-submission consultation stage.
10. While it is possible that the area surrounding the appeal site could be subject to considerable change in the years ahead, the emerging District Plan has yet to proceed through examination. At the present time, the appeal site lies within

the Green Belt where relevant national and adopted Local Plan policies apply. Moreover, I do not know the extent to which there are unresolved objections to relevant policies in the emerging District Plan referenced by both the appellant and the Council, or the scope and likelihood of any proposed modifications. Therefore, mindful of paragraph 216 of the NPPF, I can only give the emerging District Plan and its identification of the Gilston Area limited weight as an other consideration in the context of this appeal.

11. I note the two storey side extension to the adjoining semi-detached property at 21 Gilston Lane, but I have not been provided with details of its planning history and it is different in scale and design compared to the proposed development. Thus, it does not justify the proposed development and I can afford this other consideration little weight.

Conclusion

12. Paragraph 87 of the NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposed development would also result in significant harm to the openness of the Green Belt. Paragraph 88 of the NPPF makes clear that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. In terms of other harm, I have identified significant harm to the character and appearance of the area.
13. I give limited and little weight to the other considerations mentioned in favour of the proposal, and so they do not clearly outweigh the harm the proposed development would cause.
14. Consequently, very special circumstances do not exist to justify the proposed development. Thus, it would not accord with Policies GBC1 or ENV5 of the Local Plan or the aims of the NPPF. For the above reasons and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR