
Appeal Decision

Site visit made on 23 May 2017

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 07 June 2017

Appeal Ref: APP/J1915/D/17/3170584

7 Henderson Place, Epping Green, Hertford SG13 8GA

- 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 T Robinson against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2748/HH, dated 12 December 2016, was refused by notice dated 2 February 2017.
 - The development proposed is two storey side extension.
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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 (the Framework)¹ and any relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - The effect on the character and appearance of the host dwelling, the area and the setting of Epping House, a Grade II listed building; and,
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. The appeal property is a two storey detached house with a hipped roof. It is one of six new dwellings that were part of a previous redevelopment and conversion of a Grade II listed building, Epping House, a former school, and its grounds. The site is accessed off a country lane and located within the Metropolitan Green Belt, with mainly open fields surrounding the development.

¹ Published 2012

4. It is proposed to construct a substantial two storey side extension to the north eastern elevation, approximately 3.1 metres deep and 7.4 metres wide, according to the Council, figures which have not been disputed.
5. The Framework represents government policy and is a significant material consideration in all planning decisions. Section 9 of the Framework sets out national policy in relation to development in the Green Belt. Paragraph 89 states that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to certain limited exceptions. The term 'new buildings' would encompass extending a building. One of the exceptions in Paragraph 89 does allow for 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. The glossary to the Framework defines 'original building' as meaning 'as it was originally built'.
6. Policy GBC1 (d) of the East Herts Local Plan Second Review April 2007 (LP), permits limited extensions to dwellings in the Green Belt in accordance with Policy ENV5. Policy ENV5 states that outside the main settlements and category 1 and 2 villages, an extension to a dwelling will be expected 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. The appellant accepts that this aspect of Policy ENV5 applies to the appeal site location. In any event, though it pre-dates it, the policy appears to be in broad accord with the relevant exception in paragraph 89 of the Framework, already discussed.
7. The Council advises that the original building consisted of 109m² of floor space and that it has already been extended, with a single storey extension to the rear of 23m², increasing its floor space by 21%. The proposed two storey extension would add a further 42m² which would amount to an overall increase in floor space of about 60% over the original building. Those figures have not been disputed by the appellant. The footprint of the building would also increase with the house being extended at its full two storey height and width north eastwards. The size of the extension would necessitate the elongation and re-design of the main roof of the dwelling, changing its basic proportions and structure. It seems to me that the scale and bulk of the proposal would represent a disproportionate addition to the original building.
8. The appellant refers to two appeal decisions² in the same District Council and Green Belt area, though copies have not been supplied. According to the appellant, the appeals refer to the Council having an informal desired increase in floor space limit of 60%. However, the appellant also advises that in both appeals the Inspector stated that no evidence had been presented to indicate that the 60% limit formed part of any adopted policy. Furthermore, that paragraph 8.9.2 of the LP advises that it is not possible to state categorically what maximum size of extension is likely to be permissible, given the wide range of existing dwelling types and sizes which comprise the rural housing stock.
9. Nevertheless, the appellant submits that because a 60% increase is referred to in the Council Officer's report in this appeal, it is inconsistent for the Council to conclude that the extension '*cannot be construed as limited*'. However, the Officer's report and the Council's decision notice make no mention of any notional percentage limit. Rather, the 60% floor space increase over the

² APP/J1915/D/16/3161727 and APP/J1915/D/16/3161211

original dwelling appears to be derived from a calculation of the combined percentage increase of the existing single storey extension and the proposed two storey extension.

10. Planning law requires that applications for planning permission must be determined in accordance with the development plan, in this case the LP, unless material considerations indicate otherwise.³ That is the basis on which I must determine the appeal. I do not consider that any notional percentage increase or 'rule of thumb' that the Council may have employed, should be given weight, given that both the LP and the Framework contain no specific percentage limits, allowing each case to be judged on its particular merits.
11. Policy GBR1 'Green Belt' of the emerging East Herts Draft Plan (2016), rather than specifying its own criteria or providing percentage increase guidelines, refers instead to the relevant provisions of the Framework. Although, as it is yet to be examined, that emerging plan can be given only limited weight, it does indicate the direction of travel of the Council in relying on the principles stated in the Framework with regard to Green Belt policy.
12. Overall therefore, I find that the cumulative effect of the two storey extension would result in disproportionate additions over and above the size of the original building. Consequently, the proposal would fail to meet the relevant exception in paragraph 89 of the Framework. Given that, it follows that it would also conflict with policies GBC1 and ENV5 of the LP. Therefore, it would be inappropriate development in the Green Belt.

Openness

13. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to prevent urban sprawl by keeping land permanently open. The physical presence of built form or additions to it is, therefore, likely to affect openness. There can also be a visual dimension to openness but the absence of visual intrusions does not in itself mean that there is no impact on openness. The sizeable two storey extension would increase the built form substantively, extending it towards the garages in the courtyard, and would inevitably result in a loss of openness in the Green Belt.

Character and appearance and setting of listed building

14. The existing dwelling is a roughly square building with a pyramid roof, notwithstanding the single storey extension to the rear. The proposed two storey extension would lengthen the building by some 3 metres and cover the full width of its north eastern elevation. Although matching materials would be used, it would significantly increase the bulk and massing of the building. The restructured roof would become a rectangular hipped roof and the central chimney feature would be displaced to the end. The additional size and bulk would have an adverse effect on this relatively modest but pleasantly proportioned house.
15. It is clear that careful consideration was given to the design and scale of the six new dwellings when the nearby Grade II listed building, Epping House, and its grounds were redeveloped, following a planning permission in the late 1990s. Nos 6 and 7 Henderson Place stand either side of the entrance drive and

³ s38(6) Planning and Compulsory Purchase Act 2004 and s70(2) Town and Country Planning Act 1990

courtyard, as two lodge style dwellings, framing the larger Epping House in the back drop.

16. The appeal building is almost a mirror image of No 6 opposite. Adding a two storey extension to one of the dwellings, substantively changing its original form, would create an obvious imbalance between them. The matching architecture of the two properties with their pyramid roofs, echoed in the courtyard garages, central chimneys and gable projection features on the north east elevations would be lost. The pleasing symmetry of the original scheme would be disrupted.
17. A previous application in 2010, for a first storey extension built on top of the existing single storey addition to the rear of the dwelling was refused and dismissed on appeal. The appellant advises that the scheme would have been more easily viewable from the road but that the new proposal for an extension to the north-east elevation would be extending away from the road. However, it would still be visible from the entrance. In any event, though views are filtered along the road by mature hedgerow, the screening offered by such vegetation changes dependent on the time of year. Furthermore, it may not necessarily be retained at its current height or density.
18. Moreover, views from and towards the listed building would be adversely affected and the changes in layout and design would affect the setting of the listed building. The national Planning Practice Guidance, which supports the Framework, states that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.⁴ Therefore, even if public views are limited, the adverse effect on the setting still needs to be weighed in the balance. Whilst I consider that the harm to the setting of the listed building would be less than substantial, there are no public benefits associated with the proposal to outweigh it.
19. A dwelling at 8 Henderson Place to the northwest of the appeal building is of a more rectangular design, but that building is in a different position, further away from the listed building, not alongside an entrance to it or opposite a complementary dwelling.
20. Overall therefore, I conclude that the proposal would harm the character and appearance of the host building and the area. It would also fail to preserve the setting of the Grade II listed building, which is a matter to which decision makers must have special regard.⁵

Other considerations

21. The appellant has not specifically advanced any other considerations or benefits of the proposal to be balanced against any harm found. Whilst the extension would improve the internal living space within the dwelling which may well improve living conditions for the occupants, such personal circumstances can only be given limited weight in planning terms, as the planning system is more generally focussed on the wider public interest, unless exceptional personal need can be demonstrated.

⁴ Paragraph: 013 Reference ID: 18a-013-20140306

⁵ s66(1) Planning (Listed Buildings and Conservation Areas) Act 1990

Conclusions

22. I have already identified that the proposal would be inappropriate development. The Framework indicates, at paragraph 87, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have also found that there would be other harm to openness, to the character and appearance of the existing building and the area and to the setting of a listed building.
23. Paragraph 88 of the Framework advises that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
24. Whilst I gave limited weight to the improvement of living conditions for the occupiers, those other consideration do no clearly outweigh the harm to the Green Belt and other harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
25. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Tudor

INSPECTOR