

Appeal Decision

Site visit made on 1 June 2017

by Megan Thomas Barrister-at-Law

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

Decision date: 13th June 2017

Appeal Ref: APP/C1950/D/17/3172685

109 Newgate Street Village, Hertford SG13 8QR

- 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 R & H Marks against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2017/0030/HOUSE, dated 9 January 2017, was refused by notice dated 9 March 2017.
 - The development proposed is a "single storey side extension and existing open porch infilled to create WC."
-

Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is situated within the Green Belt. The main issues in the appeal are:
 - whether the proposal constitutes inappropriate development or 'not inappropriate' development in the Green Belt having regard to the National Planning Policy Framework 'NPPF' and development plan policies,
 - The effect of the proposal on the openness of the Green Belt
 - The effect of the proposal on the character and appearance of the host dwelling and wider area
 - If the proposal is inappropriate development in the Green Belt, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations? If so, would this amount to the very special circumstances required to justify the proposal?

Reasons

Inappropriate or not inappropriate development

3. The appeal site is a semi-detached two storey dwelling at the end of a short shared driveway leading from a main road through Newgate Street Village. It is
-

within a pocket of housing development on the south-eastern side of the village. No.107 is the semi-pair. The appeal site sits in a defined plot in a position which overlooks attractive countryside.

4. Planning permission has recently been granted for a first floor extension to the dwelling with the installation of 2 dormers under planning reference 6/2016/2107/HOUSE.
5. The proposed development would add a ground floor single storey extension on the north-eastern flank of the dwelling and a front single storey extension which would, in effect, infill a small area under an existing canopy next to the main entrance door to the house. The side extension would extend the full width of the north-eastern flank and would be about 4m wide and have full height sliding doors on its north eastern side opening out onto an extended terrace.
6. The NPPF sets out the national policy approach to development in the Green Belt. It indicates that decision makers should regard the construction of new buildings as inappropriate development in the Green Belt, subject to some exceptions. In general terms, new buildings include construction of part of a structure and also extending a building. One of the exceptions to inappropriateness relates to extending or altering a building provided that it does not result in disproportionate additions over and above the size of the original building.
7. The original dwelling was said by the Council to have been previously extended under planning permission ref. S6/1995/0486/FP. The increase in floorspace was said to be approximately 55sq.m (gross external) and represented an increase over the original of around 65%. These figures exclude the porch and the double garage in the rear garden. The current proposal is to erect a single storey side extension and single storey front extension of which the total proposed floorspace would be approximately 38sq.m and, taken together with the previous extensions, would represent about a 109% increase in floorspace over and above the size of the original dwelling. The appellant does not dispute these figures. It is not clear if there would be any increase in floorspace if planning permission ref.6/2016/2107/HOUSE was implemented. Any potential increase in floorspace from that permission does not appear to be included in the 109% increase but I have treated the appeal as if the total increase in additions allowed or implemented would be 109%, and not a larger figure.
8. In addition to considering the percentage increase in floorspace over and above the size of the original dwelling, I have considered the scale and locations of the extensions that have already taken place and those sought in this appeal. I have concluded that cumulatively those extensions would result in disproportionate additions over and above the size of the original building.
9. I have been referred by the appellant to qualitative factors which influenced an Inspector in his consideration of disproportionate increase in size in an appeal decision dated 1 August 2007 at no.117 Newgate Street Village. However, those factors do not alter my view of proportionality in relation to this particular proposal in this particular location at 109 Newgate Street Village.
10. On this first main issue, I conclude that the proposal would constitute inappropriate development in the Green Belt in terms of the NPPF and would be contrary to policy RA3(i) of the Welwyn Hatfield District Plan (adopted 2005).

Impact on openness

11. The NPPF confirms that inappropriate development is by definition harmful to the Green Belt. The essential characteristics of Green Belts are their openness and their permanence. Whilst there is a visual element to loss of openness in the sense that a loss of openness is perceived by the human eye, openness is essentially an absence of built development in the Green Belt and that is one of the essential characteristics which national policy seeks to protect. It seeks to keep land free from built development and the curtilages of dwellings have a role to play in keeping land open. I consider visual matters below. In this case, even though there is an existing canopy over one of the areas proposed to be extended, as a consequence of the increased bulk, footprint and massing of the built development which would result from the proposal, there would be a loss of openness and visual permeability of the Green Belt.

Impact on character and appearance

12. The Council consider that the proposed single storey side extension would adversely affect the spacious setting of the site owing to its scale, width and positioning. Whilst there would be a loss of openness in terms of national Green Belt policy, the character of the dwelling would in my view be retained as the remaining garden would be large enough to provide a commensurate and attractive setting for the extended dwelling. The proposed extensions would make the house slightly more prominent but would not be of such a large or domineering size or design that they would detract from the character or appearance of the dwelling or the wider area. Public views of the extensions would be limited.
13. On this issue, therefore, I find that there would not be harm to the character or appearance of the host dwelling or the wider area.

Balancing considerations

14. NPPF policy indicates that substantial weight must be attached to inappropriate development by reason of its inappropriateness. In addition to this harm, there is harm to the openness of the Green Belt. There is a lack of harm to character and appearance of the dwelling and the wider area but I take these to be neutral factors. I have borne in mind the appellants' representations and also the fact that the additional accommodation would improve the quality of life for the occupants at no.109. However, the balancing exercise leads me to the conclusion that harm is not clearly outweighed by other considerations and very special circumstances do not exist. The appeal therefore does not succeed.
15. I do not have sufficient information to decide whether or not a split decision is appropriate in this case.

Conclusion

16. Having taken into account all representations made, for the reasons given above, I dismiss the appeal.

Megan Thomas

INSPECTOR