

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/N1920/D/17/3171638

19 Harris Lane, Shenley WD7 9ED

- 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 Nicholas Stern against the decision of Hertsmere Borough Council.
 - The application Ref.16/2105/HSE, dated 27 October 2016, was refused by notice dated 22 December 2016.
 - The development proposed is a two storey extension to the side of the existing house.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey extension to the side of the existing house at 19 Harris Lane, Shenley WD7 9ED in accordance with the terms of the application, Ref.16/2105/HSE, dated 27 October 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the external surfaces of the extension hereby permitted shall match those used in the main dwelling.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 182_10-01 Rev C, 182_13-02 Rev D, 182_11-05 Rev C, 182_13-01 Rev C, 182_11-04 Rev D, 182_11-06 Rev E, 182_11-02 Rev D, 182_11-01 Rev B & 182_11-03 Rev C.

Main Issues

2. The appeal site is situated in the Green Belt. The main issues 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 living conditions of the occupants of 17 Ridgeview Cottages, Harris Lane, with regard to outlook.
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Reasons

Whether inappropriate development

3. The appeal site is a small semi-detached house situated in the Shenley Conservation Area and in the Green Belt. Its semi-pair is no.21 Harris Lane. The appeal site has a rear garden but also has a reasonably-sized side garden. There are views over the side garden from Harris Lane towards Ridgeview Cottages.
4. 17 Ridgeview Cottages is a semi-detached two storey house and its semi-pair is no.15. They are situated at the rear of the side garden of the appeal site and have an aspect over that front garden towards Harris Lane. No.17 has one upper and one ground floor window in the front elevation and its main entrance door is on the flank elevation adjacent to the appeal site's rear garden. The appeal property is white rendered and has a small side gravel driveway for off-road parking.
5. The proposal is to extend the dwelling at the side with a two storey element. The roof ridge of the extension would be slightly lower than the height of the main roof and the front elevation would step back slightly from the main front elevation. A subordinate extension to the main house would result. The main entrance to the house would be at the side and the side garden would reduce in size to accommodate a revised driveway.
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. In this case, the additional floorspace proposed would result in a proportionate addition over and above the size of the original dwelling. In coming to this view I have borne in mind that the appeal site has already been modestly extended. I conclude that the proposal is not inappropriate development in the Green Belt in terms of paragraph 89 of the NPPF.
7. Following *R.(on the application of Lee Valley Regional Park Authority) v Epping Forest District Council & Another* [2016] EWCA Civ 404, where development is found to be 'not inappropriate' applying paragraphs 89 or 90 of the NPPF, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. I have adopted that approach in this case.
8. The proposal would not be in conflict with policies SADM26 or SADM30 of the Hertsmeire Local Plan Site Allocations & Development Management Policies Plan (2016).

Living conditions of neighbours

9. The proposed two storey extension would extend in front of part of no.17 Ridgeview Cottages. It would result in a change of outlook from the ground

floor and upper floor windows of that dwelling. However, the flank wall of the extension would not overlap with those windows. They would remain fully visible if standing directly in front of Ridgeview Cottages on Harris Lane (except for any vegetation that would, from time to time, obscure the view). The proposed rear elevation of the two storey extension would be separated from the front windows of no.17 by about 6.45m. Given that separation distance and given the siting of the flank elevation of the proposal, I do not consider there would be an unacceptable sense of enclosure when looking out of those front windows, or that the position of the proposal would be oppressive for the occupants of no.17 when in their house or garden. I conclude, therefore, that the proposal would not result in an unacceptable loss of outlook for the occupants of no.17 Ridgeview Cottages, Harris Lane. There would be no conflict with policy SADM30 of the Hertsmere Local Plan Site Allocations & Development Management Policies Plan (2016) or Part E of the Councils Planning and Design Guide (2006).

Other Matters

10. Given the proposed siting of the extension, I consider that there would continue to be acceptable levels of daylight and sunlight reaching the windows of no.17 Ridgeview Cottages. I have had regard to the statutory duty on me to pay special attention to preserving or enhancing the character or appearance of the Conservation Area. I have concluded that the proposal would not unbalance the appearance of the host dwelling when viewed alone or along with its semi-pair and the significance of the Conservation Area would be unharmed.

Conditions

11. I have considered the imposition of conditions in the light of advice within NPPG. I have attached a condition requiring the extension to be built in accordance with the submitted plans for the avoidance of doubt. In order to protect the character and appearance of the area I have attached a condition requiring the external surface materials of the extension to match those used in the main house.

Conclusion

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

Megan Thomas

INSPECTOR