The Planning Inspectorate

Appeal Decision

Site visit made on 12 June 2017

by Michael Evans BA MA MPhil DipTP MRTPI

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

Decision date: 28th June 2017

Appeal Ref: APP/J1915/D/17/3173460
Ashbourne, 5 Yeomans Drive, Aston SG2 7EJ

- 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 Andrew Lyall against the decision of East Herts Council.
- The application Ref 3/17/0241/HH was refused by notice dated 29 March 2017.
- The development proposed is a car port width 7m, projection 6.7m, height to eaves 2.9m, height to ridge 3.2m.

Decision

1. The appeal is allowed and planning permission is granted for a car port width 7m, projection 6.7m, height to eaves 2.9m, height to ridge 3.2m, at Ashbourne, 5 Yeomans Drive, Aston SG2 7EJ, in accordance with the terms of the application, Ref 3/17/0241/HH, 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 development hereby permitted shall be carried out in accordance with the following approved plans titled as follows: Block plan scale 1:500@a4, Existing elevations scale 1:100@a4, Existing elevations scale 1:100@a4, Existing layout scale 1:100@a4, Existing roof layout scale 1:100@a4, Proposed elevations scale 1:100@a4, Proposed elevations scale 1:100@a4, Proposed layout scale 1:100@a4 and Location map scale 1:1250@a4.

   3) The roof tiles to be used in the construction of the roof of the development hereby permitted shall match those used in the existing building.

Main issues

2. The main issues in this appeal are:

   - Whether the proposed development amounts to inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (The Framework) and the development plan.

   - The effect on the character and appearance of the host dwelling and the surrounding area.

Reasons

Inappropriate development

3. The appeal concerns a detached dwelling located within the Green Belt where Government policy in the Framework identifies development that would not be inappropriate. The extension or alteration of a building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.

4. East Herts Local Plan Second Review, April 2007, Policy GBC1 identifies limited extensions in accordance with Policy ENV5 as not being inappropriate in the Green Belt. Outside certain settlements Policy ENV5 indicates that extensions or outbuildings should not, by themselves, or cumulatively with other extensions, disproportionately alter the size of the original dwelling.

5. The Council indicates that the original dwelling, which comprises the original building in the terms of the Framework, has been enlarged by previous extensions. Together with the proposed addition these would result in a cumulative increase in the floor area of 64%. The Council suggests that this would be disproportionate and not limited.

6. However, The Framework places no specific threshold on any increase in size and my attention has not been drawn to any development plan or other Council policies that seek to do so. In these circumstances considering whether there would be disproportionate enlargement must be a matter of judgement.

7. The dwelling comprises a bungalow where the main part has a gable ended pitched roof. Partly to the front of this and along the side boundary with Lynwood there is a significantly lower 'L' shaped section with a false pitch and flat roofs behind. The wing on the flank projects forward of the property towards the street in Aston Lane. The addition would extend this wing, which is not part of the original building, further forward towards the road.

8. However, the overall depth of this part, including that to the side of the main body, would be increased by less than half. The height of the car port would be the same as the existing projection. The extended wing would be subordinate to the main body because of its appreciably lesser height and bulk. Moreover, being completely open to its front and with only fairly slender posts on two sides the car port would be largely unenclosed, essentially forming a canopy. This would significantly limit the perception of increased size and bulk, despite the additional floor area of about 47 sq m. In consequence of these factors the development would not result in an unduly sprawling appearance.

9. In these circumstances and taking account of the previous enlargement, I consider that the development would not result in disproportionate additions to the original dwelling. It is therefore concluded that the proposal would not comprise inappropriate development in the Green Belt.

10. The Council also contends that there would be a loss of openness to the Green Belt. However, the identification of enlargement that would not be disproportionate in the Framework and development plan as not being inappropriate represents an implicit acknowledgement that such development would not be considered detrimental to the openness of the Green Belt.

Character and appearance

11. Because of its unenclosed nature and lower height compared to the main part of the dwelling, the car port would comprise a subservient addition. Factors such as the bulk, footprint and position within their plots of dwellings within Yeomans Drive vary appreciably and the extended dwelling would not disrupt any significant regularity. In any event, the site is fairly well enclosed by boundary vegetation and the addition would not be prominent. Due to these factors the car port would not intrude into the openness or rural qualities of the surrounding area.

12. As a result, there would be no detrimental effect on the character and appearance of the host dwelling or of the surrounding area. The proposal would therefore comply with these aims of Policy ENV5. The Council has raised no objections in relation to the character and appearance of the Aston Conservation Area, which for the above reasons would be preserved.

Conclusion

13. The proposal would comply with policies in the Framework and development plan concerning development in the Green Belt and be acceptable in relation to character and appearance. As a result and taking account of all other matters raised, it is determined that the appeal succeeds.

Conditions

14. A condition specifying the approved plans is necessary to provide certainty. The roof tiles used should match those of the existing dwelling in order to protect its appearance.

M Evans

INSPECTOR