

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/17/3172314

Waterford Common Cottage, Vicarage Lane, Waterford SG14 2QA

- 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 D and C Stay against the decision of East Herts Council.
 - The application Ref 3/16/2832/HH was refused by notice dated 14 February 2017.
 - The development proposed is two storey rear and front extensions with internal alterations.
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Decision

1. The appeal is dismissed.

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 openness of the Green Belt.
- The effect on the character and appearance of the host dwelling.
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

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.
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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. Policy ENV5 seeks to prevent extensions that by themselves or cumulatively with other extensions would disproportionately alter the size of the original dwelling.
5. The Council indicates that with the removal of the conservatory the floor area of the original dwelling would be increased by 61%. This is said to exceed the 50% which constitutes a rule of thumb and is also based on recent appeal decisions. However, neither the development plan nor the Framework identify any specific size threshold. In the explanatory text to Policy ENV5 it is stated 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*.
6. Moreover, I am not persuaded that the 61% increase in floor area would be of such a magnitude as to necessarily result in a disproportionate enlargement. I shall therefore consider whether the scheme would result in the original dwelling appearing disproportionately larger. The size of the plot and whether the property would be seen from public viewpoints have no bearing on this assessment, as it is solely concerned with a comparison of the size of the original dwelling to that of the enlarged property.
7. The rear addition would span the full width of the dwelling with no gaps to the sides. The three repeating gable ends would have their roof ridges at the same height as that of the main roof. The fully gabled form and depth would also significantly increase the perceived bulk. Due to these factors, the rear extension would result in fairly substantial additional bulk and mass. Although appreciably more modest in size, the front extension would add further bulk.
8. As a consequence, it is concluded that the scheme would result in the original building appearing disproportionately larger. The proposal therefore comprises inappropriate development in the Green Belt.

Openness of Green Belt

9. The openness of the Green Belt results from an absence of built development and is not therefore dependent on public viewpoints and can be reduced despite a dwelling being set in a large plot. If this were not the case much development could potentially take place in such locations which would undermine the fundamental aim of restraining development in the Green Belt.
10. The height, width and depth of the rear addition in particular would result in significant additional built volume and bulk. In consequence, the openness of the Green Belt would be materially reduced. It is explained in the Framework that the essential characteristics of Green Belts are their openness and permanence. As a result, significant harm would be caused to the openness of the Green Belt.

Character and appearance

11. The host dwelling is not within a Conservation Area and is not a Listed Building. Nevertheless, it has a fairly simple cottage character that has some merit. It has a traditional pattern of windows with a relatively high ratio of the area of wall to that of the openings. Given this context, the fairly large glazed areas and contemporary appearance would render the additions a somewhat alien and

unsympathetic presence. The undue dominance of the rear addition would further exacerbate the adverse effect. When looking from Vicarage Lane opposite the entrance the relatively awkward presence of the front addition would be readily apparent.

12. In consequence, the character and appearance of the host dwelling would be harmed. As a result there would be conflict with the intention of Local Plan Policy ENV5 that extensions should not significantly affect the character and appearance of the dwelling to its detriment.

Other considerations

13. The Appellant suggests that a two storey rear extension with a depth of 3m could be built using permitted development rights. However, there is no Certificate of Lawfulness to confirm this and no drawings of such a scheme. In any event, the depth would be a metre less than that of the appeal proposal, resulting in a less harmful effect on the openness of the Green Belt. For the reasons given above, I have found that the character and appearance of the host dwelling would be detrimentally affected, rather than being enhanced as the Appellant suggests.
14. In consequence, these considerations are not afforded anything other than fairly limited weight in favour of the appeal.

Conclusion

15. Harm would be caused to the Green Belt as a result of inappropriate development and a loss of openness. In accordance with Paragraph 88 of the Framework substantial weight should be afforded to this harm. As well as this there would be harm to the character and appearance of the host dwelling. Due to the limited weight attached to them, it is concluded that the other considerations raised do not clearly outweigh the harmful effect of the development. There can, in consequence, be no very special circumstances and the proposal would be contrary to the Framework policies concerning the Green Belt. There would also be conflict with the relevant development plan policies. It is therefore determined that the appeal fails.

M Evans

INSPECTOR