The Planning Inspectorate

# Appeal Decision

Site visit made on 7 August 2017

**by Jonathan Manning BSc (Hons) MA MRTPI**

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

**Decision date: 16 August 2017**

**Appeal Ref: APP/J1915/D/17/3178076**
**2 Mayflower Close, Hertingfordbury, Hertford, SG14 2LH**

- 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 & Mrs B & K Musk against the decision of East Hertfordshire District Council.
- The application Ref 3/17/0206/HH, dated 27 January 2017, was refused by notice dated 24 March 2017.
- The development proposed is two storey side extension, involving demolition of existing double garage and porch. First floor and ground floor window openings and alterations to fenestration.

## Decision

1. The appeal is allowed and planning permission is granted for two storey side extension, involving demolition of existing double garage and porch. First floor and ground floor window openings and alterations to fenestration, at 2 Mayflower Close, Hertingfordbury, Hertford, SG14 2LH, in accordance with the terms of application Ref: 3/17/0206/HH, dated 27 January 2017, subject to the planning conditions in the attached schedule.

## Main Issue

2. The appeal site is located within the Green Belt and therefore the main issue of the appeal is whether the proposal would be inappropriate development for the purposes of local and national policy.

## Reasons

3. The National Planning Policy Framework (the Framework) establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves the extension of a building. This is provided that it does not result in disproportionate additions over and above the original building.

4. Policy GBC1 'Appropriate Development in the Green Belt' of the East Herts Local Plan Second Review (2007) (the LP) sets out that permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. The policy also states that the construction of new buildings on land falling within the Green Belt will be inappropriate unless it is for a number of purposes, which includes limited extensions or alterations to existing dwellings in accordance with Policy ENV5. Policy ENV5 of the LP identifies 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 nor intrude into the openness or rural qualities of the surrounding area. I consider that despite some inconsistencies, Policies GBC1 and ENV5 are broadly consistent with the Framework and therefore, in accordance with Paragraph 215 of the Framework, can be afforded a reasonable level of weight.

5. The scheme would result in an increase in floorspace of 59.8% over the original dwelling (utilising the Council's calculations). The Council are of the view that this level of percentage increase would result in a disproportionate addition. The Framework and the development plan policies identified above, do not provide any guidance or suggest a threshold on what constitutes a disproportionate addition. It is therefore a matter of judgement for the decision maker.

6. Whilst an increase of 59.8% in floorspace is a significant extension, this must be considered against the size and form of the original dwelling. The appeal dwelling is orientated differently to the other existing properties in Mayflower Close, which all have their front elevations facing onto the road. From the street scene, the width and bulk of the other dwellings can therefore be fully appreciated. However, the appeal dwelling has its gable end facing onto the road and although it has an attached double garage and porch that faces onto the road, this is single storey in height and has a flat roof. As a consequence of this, when viewed from the street scene, I consider that the appeal dwelling appears noticeably smaller than its neighbouring properties.

7. The proposal would result in the demolition of the existing double garage and porch and the construction of a two-storey extension. The two storey extension, although greater in height, would be smaller in width than the existing double garage and porch, when viewed from the road. I consider that the resulting appeal dwelling would have a well-balanced appearance and the proposed extension would not be overly prominent in the street scene or dominate the host dwelling. I also observed that the existing properties within Mayflower Close are all large detached dwellings and I consider that the extended appeal dwelling would complement their scale. Given all these matters, I consider that the proposed extension would not result in a disproportionate addition over the size of the original dwelling.

8. The appellant has provided extracts from two recent appeal decisions[1] within the district, where the Inspectors of those cases found that, in their specific circumstances, additions totalling an increase in floorspace of 60% and 61% respectively were not disproportionate. Whilst, each case is considered on its own merits, this nonetheless, supports my findings that in certain circumstances such percentage increases in floorspace can be considered proportionate.

9. I conclude that the proposed extension would not be inappropriate development within the Green Belt. The identification, in Paragraph 89 of the Framework, that an enlargement to an original dwelling that would not be disproportionate does not represent inappropriate development, in my view, represents an acknowledgement that such development should not be considered harmful to the openness of the Green Belt. Given these findings,

[1] APP/J1915/D/17/3169030, dated 7 April 2017 & APP/J1915/D/17/3169260, dated 2 May 2017.

the scheme complies with Paragraph 89 of the Framework and Policies GBC1 and ENV5 of the LP.

*Other matters*

10. The Council, along with any interested parties have not raised any other concerns with regard to the proposed development. From the evidence before me, I see no reason to take a different view.

**Planning Conditions**

11. I have considered the Council's suggested conditions against the tests set out within the Framework and the advice provided by the Government's Planning Practice Guidance and have amended them where required, without altering the purpose or intent of the condition. As well as the standard time limit condition (1), a condition is necessary to ensure the development is undertaken in accordance with the approved plans to secure certainty (2). To ensure the suitable appearance of the scheme, conditions (3 and 4) are necessary. Condition (5) is imposed to protect the living conditions of the occupants of No 3 Mayflower Close. To ensure the protection of existing trees and hedges on the appeal site, condition (6) is required.

12. Condition (4) is a pre-commencement activity. I am satisfied that the requirement of the condition is necessary to make the development acceptable in planning terms and it would have been otherwise necessary to refuse planning permission.

**Conclusion**

13. For the reasons set out above and having regard to all other matters raised, the scheme does not represent inappropriate development in the Green Belt. Given this and the absence of any other harm, the proposal complies with the development plan when taken as a whole and the appeal is therefore allowed.

*Jonathan Manning*

INSPECTOR

## Schedule of Planning Conditions

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2) The development shall be carried out in accordance with the following approved plan: 12015-P-200-C (Extensions and Remodelling), dated 23 January 2017.

3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

4) Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Car parking layouts (b) Hard surfacing (c) Planting plans (d) Written specifications (including cultivation and other operations associated with plant and grass establishment) (e) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (f) Implementation timetables. The development shall be undertaken in accordance with the approved details.

5) The extension hereby permitted shall not be occupied until the window opening on the eastern elevation serving an en-suite (facing No. 3 Mayflower Close) has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The window shall be retained in such condition thereafter.

6) All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, for the duration of the works on site and until at least five years following the completion of the approved development. In the event that any tree or hedging becomes damaged, dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and by no later than the end of the first available planting season, with trees of a size, species, number and position to be agreed with the Local Planning Authority.