



Appeal Decision

Site visit made on 2 July 2019

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th July 2019

Appeal Ref: APP/J1915/D/19/3222990

23 New Park Lane, Aston, Stevenage SG2 7ED

- 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 G. Tempny against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2154/HH, dated 30 September 2018, was refused by notice dated 26 November 2018.
 - The development proposed is the erection of first floor side extension and ground floor infill extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: -
 - Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework);
 - The effect of the proposal on the openness of the Green Belt;
 - If the proposal is inappropriate development, 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 which would be necessary to justify it.

Reasons

3. The large detached appeal property is located to the north of New Park Lane and is the last property before the Parish Centre and open countryside beyond. The front part of the site, including the existing property, is within the Aston Conservation Area which encompasses the historic core along Bennington Road and New Park Lane together with the church and open spaces.

Inappropriate Development

4. The Government attaches great importance to Green Belts. East Herts District Plan 2018 (Local Plan) policy GBR1 confirms that planning applications within the Green Belt will be considered in line with the Framework. Paragraph 145 of the Framework states that all new buildings are to be regarded as

inappropriate development unless they are for one of a small number of exceptions. These include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

5. Both main parties agree that the scale of the proposed development together with previous extensions would represent a disproportionate increase to the original building. I concur that the cumulative additions, which are noted by the Council to be an increase in floor area of approximately 100%, would mean that this proposal would be inappropriate development in the Green Belt. The proposal would therefore be, by definition, harmful to the Green Belt, and in conflict with the Framework and Local Plan policy GBR1 which aim to safeguard the Green Belt from inappropriate development.

Openness

6. An essential characteristic of Green Belts is their openness. The proposed extensions would introduce additional built form, and whilst this would result in only a modest increase to the footprint of the property from the infill extension and the rear projection, the first-floor extension would significantly add to the bulk and massing of the property.
7. The additional two storey form would extend from the existing house to the boundary where the side elevation runs off the boundary wall and abuts the adjacent public footpath. Despite the set down from the ridgeline of the main house, the proposed extension would substantially increase the scale of the property which would be visible from New Park Lane and the public footpath. The development would result in a more apparent level of development on site than currently exists and consequently, it would add further harm by reducing the openness of the Green Belt.

Other Considerations

8. The appellant sets out a fallback position which includes Certificates of Lawful Development in relation to a single storey rear extension with a floor area of 34.8sqm¹ and an outbuilding of 83sqm² which combined have a greater floor area than the appeal scheme. The appellant indicates that they are prepared to sacrifice these permitted developments. To that end a completed Unilateral Undertaking (UU) dated 20 May 2019 has been submitted which would prevent the implementation of the developments under these Certificates if the appeal was allowed.
9. Both of the permitted development schemes are to be located to the rear of the property, and due to their form and limited height their impact on the visual amenities of Green Belt openness would be minimal. I acknowledge that spatially these developments would involve the use of undeveloped garden area, nevertheless, I find their impact on the openness of the Green Belt would be less harmful than the appeal scheme, and thus the fallback carries very limited weight, notwithstanding the submitted UU.
10. The Council raised concerns regarding the ability to erect further additions under permitted development. I accept, as noted by the appellant, that a condition could be imposed to remove permitted development rights and

¹ LPA ref: 3/18/1429/CLP granted on 14 August 2018.

² LPA ref: 3/18/2088/CLP granted on 12 February 2019.

thereby restrict further development within the curtilage of the property. However, given the limitations of permitted development rights, particularly with regard to height and development to the front of a property, this is a matter to which I can attach no more than moderate weight.

11. I acknowledge that the scheme has not received any objection from neighbours or the Parish Council. Nor has the Council identified any harm in terms of the design, following a number of amendments, or impact on the Conservation Area, and I have no reason to disagree with that assessment. However, an absence of harm in this regard is a neutral factor.
12. The appellant also highlights the need for consistency in decision making and has referred to a permission for a large increase in the floor area at 50 Benington Road, Aston. The Council indicate that some of this floor area was existing roof space, and I do not have full details of the circumstances of that proposal. Notwithstanding this, I have in any event considered this proposal on its own merits.

Conclusion

13. In considering any planning application, paragraph 144 of the Framework indicates that substantial weight should be given to any harm to the Green Belt. In this appeal I have found harm to the Green Belt by way of inappropriateness and to openness. Despite having regard to all the other considerations put forward in favour of the proposal both individually and collectively they fail to clearly outweigh the harm to the Green Belt. Accordingly, the very special circumstances necessary to justify the proposal do not exist.
14. For the reasons set out above I conclude that the appeal should be dismissed.

G Ellis

INSPECTOR