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# Appeal Decision

Site visit made on 30 April 2019

**by T A Wheeler BSc (Hons) T&RP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29<sup>th</sup> July 2019**

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**Appeal Ref: APP/J1915/D/19/3223042**

**Mole Cottage, High Molewood, Hertford SG14 2PL**

- 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 Peter Farrett against the decision of East Hertfordshire District Council.
  - The application Ref 3/18/2470/HH, dated 8 November 2018, was refused by notice dated 3 January 2018.
  - The development proposed is: First floor front extension, single storey flat roof rear extension and elevational alterations to the existing building.
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## Decision

1. The appeal is dismissed.

## Procedural matters

2. The Council has assessed the size of the current proposal, in percentage terms, compared with the original dwelling and subsequent extensions. I asked the Council to provide details of the calculations used in arriving at these figures, which it has done. In addition, the property has been subject to a number of previous planning permissions, including one which is still extant. I asked the Council to provide copies of the plans for this planning permission, and also to provide the calculation for the increase in floorspace included in the extant planning permission, compared with the original dwelling. The appellant has had the opportunity to comment on the information provided by the Council.
3. On 19 February 2019 a revised version of the National Planning Policy Framework (the Framework) was issued. The changes contained within the latest version have no bearing on the main issues in the appeal and therefore I have not sought the views of the parties on it.

## Main Issues

4. The appeal site is within the Green Belt: the main issues are therefore firstly, whether the proposal would be inappropriate development; secondly, the effect on the openness of the green belt; and thirdly if the proposal would be inappropriate development, whether any harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

## Reasons

### *The site and the proposal*

5. The appeal property is situated at High Molewood, a small settlement lying on the edge of Hertford. The property lies along a narrow wooded lane, a short distance from the A119 road, and comprises a substantial 2 storey dwelling within a large garden.
6. The proposal would add a first storey bay to the front elevation and at the rear a single storey kitchen extension. The property was extended during the 1980s including the addition of a 2 storey extension to the side.

### *Inappropriate Development and effect on openness*

7. The appeal site is within the Green Belt. The National Planning Policy Framework establishes that the Government attaches great importance to Green Belts, the essential characteristics of which are their openness and their permanence. The Green Belt serves five purposes including assistance in safeguarding the countryside from encroachment.
8. For the purposes of the Framework, with certain exceptions, the construction of new buildings within Green Belts is inappropriate. Inappropriate development is, by definition, harmful to the Green Belt and should only be approved in very special circumstances. A number of exceptions to this general principle are set out within the Framework, including whether the extension or alteration of a building would involve a disproportionate increase over and above the size of the original building.
9. The parties disagree over the percentage increase which, together with the previous extension to the property, would result from the proposal. This relates to whether a garage is included as part of the original dwelling. However, it is not disputed that the proposal would result in an increase in floor area of well over 50%. The Council considers that such an increase in size should be considered as inappropriate development in the Green Belt.
10. I am not aware of any local policy or guidance to support the point that an increase of 50% should be regarded as disproportionate. However there is no doubt that the property has been subject to a significant extension in the past, and this, in combination with the appeal scheme would result in a disproportionate increase in the size of the original building. The proposal would therefore constitute inappropriate development. Paragraph 145 of the Framework<sup>1</sup> sets out other exceptions under which a new building should be regarded as not comprising inappropriate development none of which apply to the appeal proposal.
11. The site is well screened by trees both within the curtilage of the property and in surrounding gardens. The building is set into a slope, and the proposed kitchen extension would be substantially hidden by an existing retaining wall and the house itself, whilst the proposed first floor bay extension would complement the design of the dwelling.

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<sup>1</sup> National Planning Policy Framework February 2019

12. In Green Belt terms the concept of openness encompasses both the visual and spatial aspects of development- and for land to be “open” in these terms essentially means that it is free from development. In introducing further built development at the appeal site, the proposed development would lead to a permanent erosion of its openness in spatial terms. The secluded nature of the property and consequent limited visibility of the appeal proposal does not and would not therefore, overcome concerns regarding the effect of the proposal on openness.
13. Although the effect of the proposal on openness would be limited, the proposal would nevertheless constitute inappropriate development, which the Framework establishes should not be approved except in very special circumstances.

*Other considerations*

14. The appellant has drawn the planning history of the property to my attention. In particular the appellant contends that the appeal property benefits from an extant planning permission dated 20 August 1987<sup>2</sup> for the erection of single and 2 storey extensions and a detached double garage and store. The permission has only been implemented in respect of the construction of a retaining wall. Whilst I have not been supplied with a lawful development certificate, or other material that would substantiate the appellant’s contention regarding this previous approval, the Council does not dispute the point that this planning permission remains extant.
15. The plans which accompanied the 1987 planning permission show that they would allow a significantly larger extension to the front of the dwelling than the current proposal. In respect of the rear extension, the approved plans show a smaller extension than the proposal at ground floor, but with the addition of a first floor bedroom extension. In addition, the 1987 proposal included a large double garage in the front garden with basement storey. Were all these elements of the extant planning permission to proceed, there would be a greater and more significant impact on the openness of the Green Belt than would be the case under the proposal.
16. I am also not persuaded that the approved 1987 plans and the appeal proposal are sufficiently at odds with each other to make the implementation of both consents an impossibility, although some minor amendments may be required in respect of the front elevation of the house.
17. The appellant does not argue that were permission to be granted the 1987 planning permission would be incapable of implementation, nor has he submitted a planning obligation to remove the benefit of the previous permission. Also, he has stated that it is not his intention to implement any part of the 1987 permission at the present time. I am therefore unable to regard the existence of the 1987 planning permission as a fallback position that could, potentially, weigh in favour of the proposal.
18. The appellant refers to a number of other cases where it is claimed that the Council has allowed extensions to residential properties well in excess of the 50% figure it regards as disproportionate. It is entirely reasonable for the appellant to draw attention to other cases where he considers that comparisons

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<sup>2</sup> Planning Authority Ref 3/87/1178/FP

exist with the appeal proposal. However I have not been provided with full details of these cases, nor all the material considerations that may have been taken into account in reaching decisions on them. In any event circumstances can be very different even though they may appear similar. I therefore attach very limited weight to these other cases in my decision.

### **The Green Belt Balance**

19. I have found that the proposal would result in a disproportionate addition and would be inappropriate development in the Green Belt and that it would erode the openness of the appeal site, albeit to a limited degree.
20. Nevertheless, the Framework sets out that substantial weight should be given to any harm to the Green Belt, and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness or any other harm resulting from the proposal, is clearly outweighed by other considerations.
21. In the current case the considerations advanced in favour of the scheme carry moderate weight in its favour; they do not therefore clearly outweigh its Green Belt harms- matters which attract substantial weight. For these reasons, it has not been demonstrated that very special circumstances exist which would justify the proposed development.
22. In addition, I have found conflict with the Framework and the aims of Policy GBR1 East Herts District Plan which taken together, and amongst other matters seek to protect the openness and permanence of Green Belts.
23. No material considerations justify a decision other than in accordance with the development plan, with which the proposal would conflict. Accordingly, for the reasons set out above, and taking into account all other matters raised, the appeal is dismissed.

### **Conclusion**

24. The appeal is therefore dismissed.

*Tim Wheeler*

INSPECTOR