



Appeal Decision

Site visit made on 23 July 2019

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2019

Appeal Ref: APP/J1915/D/19/3229945

3 Chapel Lane, Letty Green, SG14 2PA

- 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 Michael Kierstenson against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0218/HH, dated 4 February 2019, was refused by notice dated 21 March 2019.
 - The development proposed is partial double storey side and rear extension and front porch.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development constitutes inappropriate development in the Green Belt,
 - Its effect on the openness of the Green Belt,
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal constitutes inappropriate development

3. The appeal concerns a semi-detached bungalow with existing loft conversion located within the Green Belt. The proposal is for a partial double side and rear extension and front porch. An existing garage to the rear of the property would be demolished.
4. Policy GBR1 of the East Herts District Plan 2018 (DP) states that planning applications within the Green Belt, as defined on the Policies Map, will be considered in line with the provisions of the National Planning Policy Framework (the Framework).
5. The Framework states that a local planning authority should regard construction of new buildings as inappropriate in the Green Belt. This is subject

to the exceptions listed in the Framework which 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 (paragraph 145c). The 'original building' is defined in Annex 2: Glossary of the Framework as '*A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built.*' In line with the Framework, it is therefore necessary to consider whether the proposal would, when taken in combination with any previous additions to the original building, result in a disproportionate addition.

6. There is disagreement between the appellant and the Council regarding the amount the floor space of the original dwelling would increase as a result of the proposal. The Council state that when taken in combination with previous additions, the increase in floor space would be around 180%. The appellant however disagrees with the Council's methodology and states that if the floor space is calculated on the basis of usable floor space with a headroom of 1.5m or above, the increase would be around 94% or 78% depending on whether the floor space within the existing loft area converted in 1978 is counted.
7. The Framework does not define what a disproportionate increase in size would be. I concur with the appellant that it is reasonable to have some regard to available headroom and usable floorspace when calculating floor space. However, even if I were to accept the appellant's figures regarding floor space increase, in my judgment the proposed extension would result in a significant increase in size in relation to the original dwelling. Moreover, the proposal would result in a significant increase in bulk and mass and spread of built form.
8. The proposed development would therefore result in a disproportionate addition over and above the size of the original dwelling. As such I conclude that the appeal proposal would be inappropriate development in the Green Belt and, as defined by the Framework, harmful and substantial weight should be given to that harm. Furthermore, in this respect, the appeal proposal would not comply with the requirements of Policy GRB1 of the East Herts District Plan (2018) (DP).

Effect on Openness

9. The essential characteristics of Green Belts are their openness and permanence. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect.
10. The proposed extension would extend out to the side boundary of the site and would add considerable bulk and mass to the dwelling, particularly at first floor level where a significant amount of accommodation would be provided within the roof structure. By extending out to the side boundary, the gap between the dwelling and the neighbouring property would be diminished thereby reducing spaciousness. This would be clearly evident from Chapel Lane due to the relatively open frontages and lack of substantial screening. The overall impact of the extension would be accentuated by the long ridge line evident from the side elevation and the large rear gable. Whilst the side and rear elevation of the extensions would not be unduly prominent when viewed from outside the site due to the screening that exists, there would nonetheless be an impact on openness in spatial terms. Whilst the harm to openness overall would be small, this would be contrary to the Framework where it states openness is an essential characteristic of the Green Belt.

Other considerations

11. The proposed development would generally be in keeping with the character and appearance of the host dwelling and would comply with the aims and objectives of Policy HOU11 of the DP in this respect. I also acknowledge the sustainability benefits of the proposal and the visual benefits of removing the earlier unattractive flat roof extension and garage. I also acknowledge the appellant's comments concerning the vitality of rural communities and the benefits to the family and community arising from the improved accommodation. I attach moderate weight to these considerations in the overall balance.
12. The appellant has highlighted the extent that the neighbouring dwelling, 1 Chapel Lane has been extended and to other large dwellings in the locality which have recently been constructed or are currently under construction. However, I have not been provided with the full details of these proposals or the circumstances under which they were approved. In any event, I am required to determine the appeal on its own merits. I therefore attach only little weight to this consideration.

Conclusion

13. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also lead to a small loss of openness to the Green Belt. For the reasons given, the other considerations are not sufficient to outweigh the substantial weight that must be given to any harm to the Green Belt. Therefore, the very special circumstances needed to justify the proposal do not exist. As such the proposal would conflict with the National Planning Policy Framework and Policy GRB1 of the East Herts District Plan (2018).
14. I therefore conclude that the appeal should be dismissed.

J Davis

INSPECTOR