

# Appeal Decision

Site visit made on 16 July 2019

**by K E Down MA(Oxon) MSC MRTPI**

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

**Decision date: 1 August 2019**

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**Appeal Ref: APP/J1915/D/19/3227691**

**The Paddocks, 6 Waterford Common, Waterford, SG14 2QD**

- 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 Steve Parkhouse against the decision of East Hertfordshire District Council.
  - The application Ref 3/18/1506/HH, dated 28 June 2018, was refused by notice dated 21 March 2019.
  - The development proposed is erection of ground and first floor extension.
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## Decision

1. The appeal is allowed and planning permission is granted for a ground and first floor extension at The Paddocks, 6 Waterford Common, Waterford, SG14 2QD in accordance with the terms of the application, Ref 3/18/1506/HH, dated 28 June 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001A, 002A and 003.
  - 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.

## Main Issues

2. There are four main issues. Firstly, whether the proposed extension would amount to inappropriate development in the Green Belt; secondly, the effect of the proposed extension on the openness of the Green Belt and its visual amenity; thirdly, the effect of the proposed extension on the character and appearance of the host dwelling and the surrounding area; and fourthly, if the proposed extension would amount to inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, such as to amount to the very special circumstances necessary to justify the development.

## Reasons

### *Whether inappropriate development in the Green Belt*

3. The appeal site comprises an extended chalet bungalow set on a large plot within a ribbon of dwellings in open countryside and within the Green Belt. The dwelling is set down from street level and the site continues to fall to the rear. The dwelling lies towards one side of the plot with a significant gap between it and the dwelling at No 8. It is of very limited architectural merit and the front elevation is particularly poor. It is also noticeably smaller than neighbouring dwellings which are also chalet bungalows but appear to have been substantially enlarged, particularly at first floor and roof level.
4. The appellant states that the original dwelling has a floor area of about 96m<sup>2</sup> and the extended dwelling would have a floor area of about 167m<sup>2</sup>. These figures are not disputed by the Council. The extensions would therefore amount to a significant increase in floor space. In addition the roof height would be noticeably increased and the first floor would be substantially extended over an existing single storey wing as well as above an infill extension at ground floor.
5. Policy GBR1 of the East Herts District Plan (LP), 2018, states that planning applications within the Green Belt will be considered in line with the provisions of the National Planning Policy Framework (NPPF). The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Although new buildings are inappropriate an exception is 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.
6. Neither the Local Plan nor the NPPF define a disproportionate addition. The Council states in evidence that the assessment of proportionality cannot rest solely on a mathematical assessment and that the physical appearance of the proposed extensions in terms of their scale and bulk should also be taken into account. In this case, the Council suggests that the increase at first floor level, including the increase in height and width of the roof, would make the proposed extensions disproportionate. I agree with this assessment and also consider that the mathematical increase in floor space points to an extension that is disproportionately larger than the original building.
7. It is concluded on the first main issue that the proposed extensions would result in disproportionate additions, over and above the original building and would amount to inappropriate development in the Green Belt. The NPPF advises that substantial weight should be given to any harm to the Green Belt, including that by reason of inappropriateness.

### *Openness of the Green Belt and its visual amenity*

8. The NPPF states that the essential characteristics of Green Belts are their openness and permanence. The proposed extensions, including the higher eaves and roof, would inevitably diminish the openness above the existing dwelling. However, the overall width and depth of the footprint would remain substantially unaltered with ground floor additions limited to the infilling of an area of hard standing to the rear and a narrow single storey link to the side, between the dwelling and the existing separate garage.

9. Moreover, the position of the dwelling, set down from the highway within a ribbon of development and between two noticeably larger, higher dwellings would limit the perceived loss of openness. In addition, the proposed extensions would have little effect on the visual amenity of the Green Belt, being seen against rising ground from the rear and between but well separated from other similar dwellings when viewed from the highway. Finally, there would be no material conflict with the purposes of Green Belts set out in the NPPF. This leads me to give the loss of openness limited weight.
10. It is concluded on the second main issue that the proposed extension would have a detrimental effect on the openness of the Green Belt which would conflict with the aim of Green Belt policy, as stated in the NPPF, to keep land permanently open but would have no material effect on its visual amenity.

#### *Character and appearance*

11. As stated above, the existing dwelling is not attractive. It is also of poor internal design with one bedroom on the ground floor and accessed via the kitchen. The proposed extension would balance the ground and first floor accommodation and improve the external appearance, especially the main façade. The scale and design would be similar to that at Nos 5 and 8. Although the half hips would be smaller than at No 8 and the width of the building greater, the substantially greater plot width at the appeal site would readily accommodate this and the significant gaps would ensure that the building did not appear cramped. The depth of the building would be unchanged, such that the rear building line would remain comparable with neighbouring dwellings.
12. It is concluded on the third main issue that the proposed extension would enhance the character and appearance of the host dwelling and the street scene, notwithstanding the significant increase in size. In consequence, it would comply with Policies DES4 and HOU11 of the LP which, taken together, expect extensions to dwellings to be of a high standard of design and layout to promote local distinctiveness and be of a size, scale, mass, form, siting and design that are appropriate to the character, appearance and setting of the existing dwelling and the surrounding area. Although Policy HOU11 states that extensions should generally appear as a subservient addition, this would not be appropriate in the case of the appeal proposal which amounts to a substantial remodelling of a dwelling that is currently architecturally wanting, unbalanced and of poor internal design.

#### *Other considerations*

13. The appellant has drawn my attention to two other considerations which he considers might amount to the very special circumstances necessary to justify the proposal. Firstly, he points out that a significantly larger extension was permitted on appeal in 2015 (APP/J1915/D/15/3006763) and that subsequently, in October 2017, the Council granted permission for the same design to be constructed as a replacement dwelling on a different footprint (3/17/1942/FUL). The permission for the replacement dwelling remains extant.
14. The Council does not dispute that the proposed extension would be smaller than the permitted extension/replacement dwelling which would have a floor area of some 222m<sup>2</sup>. However, it considers that the design now proposed would appear larger with a notably greater width at roof level and increased vertical emphasis. Nevertheless, from the limited evidence before me of the approved

scheme, it appears that although the ridge would be noticeably wider, the overall height would be marginally reduced and the eaves would be about the same width and height as the approved scheme. The difference in ridge length appears to occur due to a design change from full hips to half hips. The Council finds this different design undesirable and suggests that it would have an unacceptable effect on the openness and visual amenity of the Green Belt.

15. However, that assessment takes no account of the increase in the depth of built development, including at roof level, if the approved scheme was implemented. I find the proposed design to be acceptable on its own merits and the significant reduction in floor space of some 55m<sup>2</sup> to have a materially reduced effect on the openness of the Green Belt. I therefore find that this other consideration carries substantial weight in favour of the appeal proposal.
16. Secondly, it is argued that the permitted development (PD) rights for detached houses introduced in March 2013 would allow the addition of more floorspace and volume to the dwelling than is proposed in the appeal scheme. I agree with my colleague who determined the earlier appeal that some caution must be exercised on this point because I cannot be certain what PD rights apply to this dwelling and they would, in any case, be subject to prior approval procedures. Nevertheless, owing to the large plot and substantial separation from No 8 I agree with my colleague that there appears to be potential for significant extensions under PD and the Council does not suggest otherwise.
17. Such extensions, owing to the restrictions on permitted development, might very well fail to achieve the design benefits of the appeal scheme and could result in a greater loss of openness and/or a more harmful effect on visual amenity. In view of the unsatisfactory layout and design of the existing dwelling there is a reasonable prospect of this fall back being implemented, if the permitted replacement dwelling was not built. I therefore give this consideration significant weight in favour of the appeal proposal.
18. On balance I therefore find that the proposed improvements to the design and appearance of the host dwelling, together with the considerable weight given to the other considerations, would clearly outweigh the harm that would be caused to the Green Belt by reason of inappropriateness, which itself carries substantial weight, and the limited harm to its openness. The very special circumstances necessary to justify the development have thus been demonstrated. In consequence, the proposed extension would comply with national policy set out in the NPPF and with LP Policy GBR1 and the appeal should succeed.

### **Conditions and conclusion**

19. In addition to the statutory commencement condition, the Council suggests conditions requiring the proposed extension to be completed in accordance with the approved plans and in materials that match those used in the existing dwelling. I agree that these are necessary in order to provide certainty and to protect the character and appearance of the street scene of Waterford Common.
20. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*KE Down*  
INSPECTOR