



Appeal Decision

Site visit made on 22 July 2019 by Mariam Noorgat BSc (Hons)

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2019

Appeal Ref: APP/J1915/D/19/3228208

Shanti, Poles Lane, Thundridge SG12 0SQ

- 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 Newton against the decision of East Herts District Council.
 - The application Ref 3/19/0029/HH, dated 7 January 2019, was refused by notice dated 26 February 2019.
 - The proposal is two side extensions.
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Decision

1. The appeal is dismissed

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether it would be inappropriate development

4. Paragraph 145 of the NPPF states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One 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 dwelling.

Policy GBR1 of the East Herts District Plan (District Plan), October 2018, simply states that proposals will be considered in line with the NPPF.

5. The appellant states the proposal would increase the floor area by 11.25m² and would result in a percentage uplift of 18%. Both parties agree the proposal, when added to previous extensions, would result in the original dwelling being extended by around 94.5%. Although any extension to the property would represent a significant percentage increase, due to the small size of the original dwelling compared to modern dwellings, this method does provide an appropriate indication of proportionality of the proposed and existing developments against the original dwelling, and it is proportionality which is the test in the NPPF. The visual impact is assessed separately below.
6. As such, the development, combined with the previous extensions, would result in the original dwelling being extended by around 94.5% which, I consider, represents a disproportionate addition and is therefore inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt.

Openness

7. The NPPF states that "the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". Openness can be determined by visual and spatial aspects.
8. The proposed development would introduce built form into a part of the site which is currently undeveloped and as such would inevitably affect the spatial openness of the site. Furthermore, the extensions would be partially visible above the hedge from outside the site and so, whilst views are currently possible between the garden area and the shared driveway, this would be interrupted by the extensions.
9. Overall, the extensions would have a harmful effect, albeit to a limited degree, on openness. These harmful impacts on openness, combined with the inappropriateness of the proposal in principle, carry substantial weight.

Other Considerations

10. The NPPF states 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
11. The appellant raised concerns regarding the Council's inconsistencies in assessing Green Belt applications by granting approval to Sprangewell Cottage (ref 3/14/1141/FP). I do not have full details of the application and policies against which it was assessed against, so cannot attest to the degree of consistency in the Council's approach. For the same reasons, I cannot give any significant weight to what extensions may have been carried out at Hazel Cottage. Notwithstanding this, proposals are always considered on their own merits.
12. The Council and the appellant both agree the proposal would not be out of keeping with the character and appearance of the existing building and the area, nor impact on the neighbouring occupier's amenity. I have no reason to disagree. Also, I do not consider it would unbalance the building when seen

with the neighbouring property as they are quite different with regards to design and footprint. As such, the development accords with Policy HOU11 of the District Plan which seeks to ensure development is appropriate to the character and appearance of the area. However, the lack of harm in these respects carries neutral weight.

Planning Balance and Conclusion

13. The NPPF advises that the Government attaches great importance to Green Belts and that substantial weight should be given to any harm to the Green Belt. It is considered the development would cause harm to the Green Belt by way of inappropriateness and to its openness. Balanced against that are the other considerations identified above. For the reasons given, I conclude that they do not clearly outweigh the harm to the Green Belt and therefore there are no very special circumstances to justify the proposal.
14. Therefore, although the proposed development would accord with Policy HOU11 as described above, it would conflict with Policy GBR1 of the District Plan and the NPPF which seek to maintain the essential characteristics, including the openness, of Green Belts.
15. Therefore for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR