



Appeal Decision

Site visit made on 17 September 2019 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2019

Appeal Ref: APP/J1915/D/19/3233174
20, Letty Green, Hertford, SG14 2NZ

- 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 Mrs Rebecca Cirillo against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0298/HH, dated 28 February 2019, was refused by notice dated 24 April 2019.
 - The development proposed is demolition of single storey rear extension & outbuildings, replaced with 2 storey rear extension.
-

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.

Procedural Matters

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form.

Main Issues

4. The appeal site is located within the Green Belt. Accordingly, the main issues in this case are:
 - whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect on the character and appearance of the host property and the locality;

- car parking provision; 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 the proposal is inappropriate development

5. The Framework makes clear at paragraph 145 that the construction of new buildings in the Green Belt should be regarded as inappropriate, with a small number of exceptions. One of these 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. Policy GBR1 of the East Herts District Plan October 2018 (DP) is broadly consistent with the Framework stating 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.
6. The Framework defines 'original building' as meaning the building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally.
7. The main parties concur that the original dwelling's floor area was just over 97 m² including the rear projection and the original store/utility. However, the parties disagree over the net increase resulting from the proposed extension and demolition of the property's rear element and outbuilding. The Council assert that the net increase in floorspace would be 25.8 m², or 26.5%, whereas the appellant suggests that, with the demolition of the existing rear extension and outbuildings and store/utility room, the net increase of would be 12.8 m², or around 13%.
8. No quantitative guidance is provided in local or national policy regarding what might be considered disproportionate. However, assessing proportionality is primarily an objective test based on size, and floor area should not be the sole basis for considering whether such a change is disproportionate. As such, it is important to consider this issue in terms of the scale, bulk, massing and built form that would result from the changes sought.
9. Having regards to the significant increase in the depth of the host property, and its visibility through the gap between the appeal property and Nos 10-16 Letty Green, the two storey extension would significantly add to the host property's scale, bulk and mass. Consequently, the extension would amount to disproportionate addition over and above the size of the original building.
10. For these reasons, the proposed development represents inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The effect of the proposal on the openness of the Green Belt

11. Openness is an essential characteristic of the Green Belt. The appeal proposal would result in the demolition of existing single storey buildings and their replacement with a two storey extension. The increase in height of this part of the building that would result would affect openness in that it would be reduced. Whilst in isolation this reduction in openness would be modest, harm to the Green Belt would result.
12. The appellant has drawn my attention to comments made by the Inspector in relation to a previous appeal. I acknowledge that changes to the rear of the property would not be as prominent as a two storey side extension, however I have not been provided with details of previous proposals and consequently I am unaware of the context in which the comments were made. Accordingly, I can only attach very limited weight to this matter in my consideration of this appeal. Each planning application and appeal is determined on its merits.

The effect on the character and appearance of the host property and the locality

13. The appeal property is an end-of-terrace two storey dwelling in a terrace of four cottages located within the village of Letty Green. When viewed from the front the terrace has a cottage style with a symmetrical appearance with prominent forward facing gables, with dropped eaves between, and large chimneys. The side elevation of the host property has a prominent gable feature which can be seen from the east, across the open side garden. The symmetry of the rear elevations of the terrace is diminished by a large two storey flat roofed extension at No 22 which cuts across the rear facing gable, however the rear gable projections still represent significant features which add to the character of the terrace.
14. The appeal proposal would introduce a significant two storey rear extension which would engulf the existing single storey extension and the adjacent outbuildings. It would result in a disproportionate increase in the depth of the property, adding considerably to the mass of the dwelling, reducing the symmetry of the host property and its neighbours. The extension would not be subservient to the host property. Although trees currently exist within the side garden they are of limited height and would not mitigate the harmful effect of the extension. In any event they could be removed at any time. Consequently, the extension would detract from the character and appearance of the host property and the locality and result in harm, contrary to Policies HOU11 and DES4 of the DP, which jointly seek to respect and improve upon the site and character of the surrounding area in terms of, amongst other things, scale, height and massing, with extensions being subservient to the original dwelling.

Car parking provision

15. The Council requires the provision of 2.5 parking spaces for a three bedroomed house. The current layby that fronts the terrace of 4 properties allows for the parking of approximately 5 cars, and the appellant has indicated that Nos 24 and 26 Letty Green have access to off street parking. I noted at the time of my site visit that the road was lightly trafficked, and there was only a very limited bus service to the area placing a greater reliance on the car as a means of transport. However, overall it appeared that there was adequate parking

provision to meet normal daily needs. The proposal would be unlikely to be of detriment to the free flow of traffic or highway safety in the locality. It is noteworthy that the Highway Authority raised no objections in respect of this issue. I conclude that the car parking provision would be acceptable and there would be no conflict with Policy TRA3 of the DP, which requires that vehicle parking provision is assessed on a site-specific basis.

Other Considerations

16. The Framework makes it clear at paragraph 144, that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.
17. I acknowledge that the appellant has sought to respond to the earlier reasons for refusal by proposing an extension with similar design features and materials as the host dwelling, however for the reasons set out above I find that harm would result to both the Green Belt and the appearance of the host property and locality. This matter does not outweigh the harm identified.
18. The proposed development would represent inappropriate development, which is, by definition, harmful to the Green Belt. Additionally, I have found that there would be harm to the openness of this part of the Green Belt and the character and appearance of the appeal property and the locality. Limited weight has been given to the material considerations cited in support of the proposal and I conclude that they do not outweigh the harm the proposed development would cause to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposal therefore conflicts with Green Belt policy contained within the Framework and Policy GBR1 of the DP.

Conclusion and Recommendation

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR