



Appeal Decision

Site visit made on 14 October 2019 by S Watson BA(Hons) MSc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 25 October 2019

Appeal Ref: APP/J1915/D/19/3233337

17 Mansfield, High Wych CM21 0JT

- 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 Louise Driscoll against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0897/HH, dated 30 April 2019, was refused by notice dated 25 June 2019.
 - The development proposed is side and rear extension.
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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 appeal site is located within the Metropolitan Green Belt. Accordingly, the main issues in this case are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (Framework) and any relevant development plan policies;
 - the effect on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and,
 - whether the harm by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations and if so whether this would amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether Inappropriate Development

4. Paragraph 143 of the Framework establishes that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that substantial weight should be given to any harm to the Green Belt and 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.

5. Subject to a number of exceptions, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions are set out in Paragraph 145 of the Framework and 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'.
6. The development would include a sizeable ground-floor extension which wraps around the north and east elevations and a smaller first-floor extension wrapped around the north-east corner. Although the extension would replace an existing small, ground-floor rear extension, the new addition would be significant in scale. There is a disagreement over the size of the original dwelling and the scale of the increase over and above this original size. Nevertheless, I find that both the appellants' and Council's calculations show increases which would be substantial and would therefore comprise disproportionate additions to the original dwelling.
7. Having regard to the above, I conclude that the proposal, taken with the existing porch extension, would result in disproportionate additions over and above the size of the original dwelling. The extension would not accord with Paragraph 145(c) of the Framework or Policy GBR1 of the East Herts District Plan 2018 (EHDP) and would therefore represent inappropriate development within the Green Belt.

Openness

8. Paragraph 133 of the Framework identifies that openness is one of the essential characteristics of Green Belts, along with permanence. The Courts have confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result, but equally this does not mean that the openness of the Green Belt has no visual dimension.
9. In this instance the effect of the cumulative increased size of the host dwelling would clearly be experienced both visually and spatially and the openness of the Green Belt would be reduced as a result. Although this reduction would be limited and localised, harm to the Green Belt would result.

Character and Appearance

10. The appeal site is on the inside of a bend in the road and is therefore visible from the front and side. A row of trees and hedging currently provide some screening to the side of the site, and although the house is still largely visible when viewed from the east, its appearance is softened. I
11. It is clear that the Council is not concerned about the single storey rear extension and I have no evidence before me to reach a different conclusion in this regard.
12. The side extension would result in the loss of the existing planting, and a long and blank two-storey wall close to the side boundary of the site would be constructed. It would introduce a prominent, dominant feature into the street

scene which would detract from the pleasant soft and open character of this part of the road. Harm to the character and appearance of the area would occur as a result of the extension. Although I note that the extension would respect the style of the host dwelling this does not outweigh the harm identified.

13. I note that the appellants' appeal statement refers to the landscaping along the side boundary is to be retained. However, the plans considered by the Council show the trees are to be removed and I have limited my consideration to these plans.
14. In light of the foregoing, I conclude that the proposal would be harmful to the character and appearance of the street scene and surrounding area, contrary to Policies DES4 and HOU11 of the EHDP which seek, amongst other matters, for development to be of a high standard of design and layout which reflect and promote local distinctiveness, with extensions being of a size, scale and mass that are appropriate to the character and appearance of the surrounding area.

Other Considerations

15. I note the appellants' desire to provide additional, and more useable, space in order to accommodate family life and their concern that the existing house does not meet the Nationally Described Space Standards. Whilst I have no doubt that the additional accommodation would be of benefit to the appellants and their family, it is likely that the development is permanent and would remain long after the current personal circumstances cease to exist. I am only able to attach limited weight to these matters as a result.
16. I note also the intention to demolish the garage, which I understand may contain asbestos, as part of the scheme. However, the proposal before me is not required for the demolition of the garage which could be done separately. Nevertheless, the removal of the garage may provide some benefit to health, and would provide some limited benefit to openness, but these matters would not be sufficient to mitigate the harm that would be caused by the proposal. As such this matter carries only limited weight in my overall consideration.

Green Belt Conclusion

17. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. Further harm would be caused to the character and appearance of the area. At most, limited weight has been given to the considerations cited in support of the proposal. I conclude that taken together, they do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal conflicts with the Green Belt aims of Policy GBR1 of the EHDP and the Framework.

Other Matters

18. Examples of planning permissions granted by the Council have been set out within the appellants' statement of case, as well as a concern regarding the differing outcomes of the decisions made by the Council. I do not have sufficient information before me to ascertain whether the circumstances of each are directly comparable to the current proposal, or to comment on

consistency between decisions. Nevertheless, all proposals need to be considered on their own merit.

Recommendation

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

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR