



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: **07 November 2019**

Appeal Ref: APP/J1915/D/19/3233601

10 Westmill Cottages, Westmill Road, Westmill, Ware SG12 0ET

- 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 J Charvill against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0556/HH, dated 13 March 2019, was refused by notice dated 9 May 2019.
 - The development proposed is single storey infill extension between main dwelling and outbuilding, to facilitate the conversion of existing outbuilding.
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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 Issue

3. 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; 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

4. The appeal site comprises a semi-detached cottage which has been extended to the side and front following the granting of planning permissions in 1981 and

2005. An existing wooden outbuilding lies to the south of the dwelling, separated from the host property by a small paved area.

Whether Inappropriate Development

5. Paragraph 145 of the Framework establishes that new buildings in the Green Belt are inappropriate. Exceptions to this 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 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 Council and the appellant agree that the original dwelling had a floor area of approximately 69 square metres (m²). According to the Council¹ the extensions to the original building have added approximately 138 m², which means that the building is now substantially larger than the size of the original building. The appellants figures² show that with the addition of the appeal proposal the floor area would extend by a further 11.13 m² resulting in a floor area of approximately 149 m², over and above the original dwelling, which represents a 215% increase in floor area. I have no reason to disagree with these figures
8. I acknowledge that there is no definition of 'disproportionate' in either the Framework or the development plan. However, having regard to the original dwelling which has already been extended to the side and front, which is not disputed, I find that the further extension of it would result in the original dwelling being engulfed by extensions. Although the appeal proposal would be of a modest size, taken with the earlier extensions, it would amount to disproportionate addition over and above the size of the original building.
9. 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.

Openness

10. Openness is an essential characteristic of the Green Belt. In design terms the small scale extension would relate well to the character and appearance of the existing property and its neighbours, and its enclosed location would mean that there would be very limited harm to the openness of the Green Belt. However, the cumulative impact of the appeal proposal and previous extension means that there would still be a loss of openness of the Green Belt and harm to the Green Belt would result.

Other Considerations

11. 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

¹ Council's delegated officer report

² Paragraph 5.5 of appellants statement

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.

12. The appellant has suggested that the removal of the existing extension which has a mono pitch roof and its replacement by the appeal proposal, which contains a dual pitch roof, would result in no additional floorspace and should be viewed as non-controversial. In this regard I note that the Council³ considers that in terms of design and layout, the proposed extension relates satisfactorily to the character and appearance of the property and surrounding area. I have no reason to disagree. However, the benefits bought about by the demolition of the existing extension and the architectural merits of the proposal, would be limited and do not outweigh the harm that would be caused to the Green Belt.
13. I have noted the appellants' desire to link the house to the outbuildings to facilitate their conversion. Whilst personal circumstances are a material consideration, they carry only limited weight. The development would continue to exist long after the personal circumstances have ceased to be relevant.
14. Whilst acknowledging that a small (4%) increase in floorspace, over and above the existing house, appears insignificant in isolation, consideration must be given to the cumulative impact of the additions to the original dwelling house, as required by the Framework. Moreover, the fact that the development is not visually intrusive does not negate the impact of the proposal on the Green Belt.
15. 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 in that it would be reduced. There are no other considerations raised in support of the development that would outweigh the harm identified to the Green Belt. Therefore, the very special circumstances necessary to justify the development do not exist. The proposal therefore conflicts with paragraph 145 of the Framework and Policy GBR1 of the East Herts District Plan October 2018, which seeks to protect the Green Belt from inappropriate development and safeguard the open and rural character of the Borough's countryside.

Recommendation

16. Accordingly, for the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

J Gunn

APPEAL PLANNING OFFICER

³ Council's delegated officer report

Inspector's Decision

17. 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