The Planning Inspectorate

# Appeal Decision

Site visit made on 2 December 2019

**by Jonathan Edwards BSc(Hons) DipTP MRTPI**

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

**Decision date: 11 December 2019**

**Appeal Ref: APP/X1925/W/19/3235977**
**75 Park Lane, Old Knebworth, Hertfordshire SG3 6PP**

- 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 J Stellato against the decision of North Hertfordshire District Council.
- The application Ref 19/00088/FPH, dated 14 January 2019, was partly refused by notice dated 19 June 2019.
- The development proposed is the demolition of existing double and single storey rear extensions and replace with new double and single storey oak framed extension, within the footprint of the existing rear extension footprint. New set of entrance gates to street elevation.

## Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing double and single storey rear extensions and replace with new double and single storey oak framed extension, within the footprint of the existing rear extension footprint. New set of entrance gates to street elevation at 75 Park Lane, Old Knebworth, Hertfordshire SG3 6PP in accordance with the terms of the application, Ref 19/00088/FPH, dated 14 January 2019, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the details as specified on the application form and the following approved plans: 463 01 revision A, 2097 09A, 2097 10A, 2097 11A, 2097 12A, 2097 13A, 2097 14A, 2097 15A, 463 17 revision A.

    3) The replacement gates hereby permitted shall be hung to open inwards and shall be maintained as such in perpetuity.

## Procedural Matters

2. The description of development in the heading and decision above has been taken from the planning application form. However, Part E of the appeal form states 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.

3. The Council's decision notice refers to the emerging North Hertfordshire Local Plan Proposed Submission Document 2016. This plan may be the subject of

future amendment, so I have attached limited weight to its policies in my determination of this appeal.

*4.* The Council issued a split decision with planning permission granted for the replacement gates but refused for the proposed extensions. However, section 79(1)(b) of the Town and Country Planning Act 1990 allows that, on appeal under section 78, the Secretary of State may deal with the application as if it had been made to him in the first instance. I have therefore assessed all elements of the proposed development.

## Main Issues

5. The appeal site is located within the Green Belt and so the main issues are:

- whether the proposal represents inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and development plan policy; and
- the effect on the character and appearance of the host building and surrounding area.

## Reasons

*Whether inappropriate development in the Green Belt*

6. The front part of the appeal property is 2 storeys high and faces the road. A single storey extension projects out at the back, linking to a 2 storey rear wing with flat roof addition and conservatory. The proposal includes the demolition of the rear elements and the erection of a new extension.

7. The Framework states that the construction of new buildings should be regarded as inappropriate development in the Green Belt. However, paragraph 145 c) of the Framework defines the extension of a building as being not inappropriate development provided it does not result in disproportionate additions over and above the size of the original building. Policy 2 of the Council's District Local Plan No. 2 With Alterations 1996 (LP) is consistent with the Framework in resisting inappropriate development.

8. Under Annex 2 of the Framework, an 'original building' means a building as it existed on 1 July 1948. Whilst the rear elements are additions to the front part of the house, the appellant's historic map evidence demonstrates that in 1939 the property had a similar footprint to the existing house. From this evidence and my observations, I consider the original building to be the same as the existing apart from the conservatory and rear roof extension.

9. The appellant's figures indicate the proposal would result in a smaller building in terms of footprint, floor area and volume compared to the existing house. These figures fail to take into account that the conservatory and rear roof extension do not form part of the original building. However, even when omitting these later additions, the proposal would result in a slight reduction in footprint and only modest increases in floor area compared to the original.

10. The proposal would result in the link and part of the rear wing having a higher roof than the same elements of the original house. However, the height increases would be modest and would only affect part of the property. As such, the proposed higher roofs would not markedly add to the size of the building.

11. The Framework and the LP do not provide a definition for 'disproportionate additions'. However, the proposed house would not be significantly larger than the original building by reason of its height, land coverage or overall size. Therefore, the proposal would not result in a disproportionate addition to the original building, would comply with paragraph 145 c) of the Framework and would not be inappropriate development in the Green Belt.

12. None of the parties explain why the replacement gates would be acceptable in Green Belt policy terms. Under the Town and Country Planning Act 1990 a building includes any structure or erection and therefore gates would fall under this definition. Moreover, under paragraph 145 d) of the Framework, the replacement of a building is not inappropriate development provided it is not materially larger than the one it replaces. Whilst slightly higher, the proposed gates would not be materially larger than the one they would replace. As such, they would comply with paragraph 145 d) of the Framework and would not represent inappropriate development in the Green Belt.

13. The concerns in respect of the loss of openness are noted. However, there is no requirement to consider the effect upon openness when assessing a proposal against paragraphs 145 c) and 145 d) of the Framework.

14. For the reasons set out above, I conclude that the proposal would not be inappropriate development in the Green Belt. It would therefore, in this regard, accord with saved policy 2 of the LP and the Framework. These aim, amongst other things, to resist inappropriate development in the Green Belt unless very special circumstances exist.

*Character and appearance*

15. The existing link element and most of the rear wing are hidden from the road by the front part of the house and front hedge. Being in a similar position, most of the proposed extension would not be seen from the highway apart from a car port that would project out to the side of the front part of the house.

16. The rear wing includes a bulky flat roof extension that, by reason of its size and horizontal emphasis, is unsympathetic to the rest of the property. The replacement rear extension would be more sympathetic as it would have a pitched roof and include architectural features with a vertical emphasis. Furthermore, whilst partly higher than the buildings they would replace, the proposed extensions would be lower than the front of the house. The car port would be set back from the road and so would not be prominent. The replacement gates would be visible from the highway but would be in keeping with the property. As such, the proposal would be sympathetic in appearance, would not be prominent and would not cause visual harm to the area.

17. For these reasons, I conclude that the development would not cause significant harm to the character and appearance of the host building or the surrounding area. Consequently, and in this regard, it would accord with saved policies 28 and 30 of the LP, as well as the Framework, which all aim, amongst other things, to ensure that development is of high quality design and to avoid harm to the character and appearance of an area.

**Conditions**

18. I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. A condition detailing the plans is necessary

to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. A condition requiring the replacement gates to open into the site is needed to avoid obstruction on the public highway.

**Conclusion**

19. For these reasons, I allow the appeal as set out in the formal decision above.

*Jonathan Edwards*

INSPECTOR