
Appeal Decision

Site visit made on 14 May 2020

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th May 2020

Appeal Ref: APP/N1920/D/19/3242395

The Lindens, Elstree Hill South, Borehamwood, Herts WD6 3DE

- 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 Seamus Deegan against the decision of Hertsmere Borough Council.
 - The application Ref 19/1449/HSE, dated 9 September 2019, was refused by notice dated 6 November 2019.
 - The development proposed is a double storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a double storey rear extension at The Lindens, Elstree Hill South, Borehamwood, Herts WD6 3DE in accordance with the terms of the application, Ref 19/1449/HSE, dated 9 September 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 following approved plans: 17/204/1, 17/204/2, Site Location Plan.
 - 3) No works above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted, and the materials and specifications of windows, doors, eaves, verges, cills and rainwater goods, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issues

2. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant 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 by reason 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 the proposal.

Reasons

Whether inappropriate development

3. The semi-detached appeal dwelling lies in the Green Belt. The proposal would comprise a two-storey extension which would infill a gap in between the rear and side of the existing dwelling. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework makes it clear that new buildings are inappropriate in the Green Belt. However, an exception is made in the case of an extension or alteration to a building, provided that it does not result in a disproportionate addition over and above the size of the original building.
4. A definition of 'disproportionate' is not specified in the Framework or in the local plan. However, Policy SADM26 of the Hertsmere Local Plan Site Allocations and Development Management Policies Plan 2016 (DMP) provides general guidance so that any extension to a building is not individually or cumulatively disproportionate to the original building, requiring the addition to be subordinate to the original taking into account considerations such as the proposed change in floor space, volume and the height and orientation of the proposal.
5. Therefore, whilst footprint, floorspace, and volume calculations can be used to determine whether or not a proposal would be a disproportionate addition, it is also important to consider the visual increase in the size of the original building, taking into account the nature of the site and the proposal's spatial and visual relationship with it.
6. Contrary to the appellant's assertions, the Council indicates that the appeal dwelling has been extended more than once in the past and, in combination with the previous extensions, the proposal would see the footprint of the original dwelling increased by 86%, with the original floorspace increasing by 33% and the volume increasing by 43% over and above the original dwelling. The Council's figures are not contested by the appellant, and I have no reason to dispute them.
7. Consequently, taking these figures on face value, I find that the footprint of the dwelling has been increased significantly in the past, and this proposal whilst comprising a relatively modest increase, would result in a considerable cumulative increase in the dwelling's footprint¹. However, the cumulative total of the extended floorspace would not be significant, and whilst the volumetric increase would be more notable, the extension would be situated and designed such that it would not project any further to the rear or side of the existing dwelling, thus it would appear well contained and within the envelope of the existing built form. Moreover, the extension would be sympathetic in scale, height and form to the existing dwelling and overall it would appear subservient.

¹ Including the previous extensions to the original dwelling

8. Therefore, taking all the aforementioned considerations into account, I do not find that the proposal would appear disproportionate either in relation to the original dwelling, or the extended dwelling as it now appears.
9. I conclude that the proposal would not be inappropriate development in the Green Belt. It would comply with Policy SADM26 of the DMP, Policy CS13 of the Hertsmeire Local Plan Development Plan Document Core Strategy 2013 (Core Strategy) and paragraph 145 of the Framework which require, amongst other matters, that in order for extensions to not be inappropriate, they should not result in disproportionate additions over and above the size of the original building, having regard to changes in floorspace, volume, scale, height and orientation.

Openness and other considerations

10. Given my findings that the proposal would not be inappropriate development in the Green Belt, it would not, by definition, have an adverse impact on the openness of the Green Belt or the purposes of including land within it. Moreover, as the proposal would not comprise an inappropriate form of development, there is no requirement to assess if there are other considerations that amount to very special circumstances.

Other Matters

11. The proposal lies in the Elstree Road Conservation Area (CA) but the Council does not object to the impact of the scheme on the character and appearance of the CA. I have no reason to disagree with the Council and note that the scale, design and rearward position of the proposed extension would reduce its visibility from the street which, in turn, would ensure no unacceptable impact on the CA.
12. The proposal constitutes an extension to an existing dwelling. Whilst I note the concerns raised by a third party, a change of use from a dwelling to a house in multiple occupation does not form part of this scheme. Furthermore, I appreciate that the proposal may increase the capacity of the dwelling so it could accommodate additional occupants. However, the third party concerns raised relating to noise and disturbance from activities taking place within the appeal property are largely covered by other legislation, and there is no tangible evidence before me to suggest that the extension and its use in connection with a single dwellinghouse would lead to an unacceptable increase in noise and disturbance for nearby occupiers. Having assessed the appeal on its planning merits, these matters carry only limited weight, insufficient to outweigh overall compliance with the development plan.
13. In terms of the submitted plans, I find that they are legible and allow me to clearly understand the characteristics of the proposal and its impact on the local area. Furthermore, the Council does not suggest that the submitted plans are inaccurate or misleading in any way.

Conditions and Conclusion

14. As I find that the proposal would not be inappropriate development in the Green Belt and would comply with paragraph 145 of the Framework and there would be no conflict with the development plan, the appeal should succeed.

15. In respect of the Council's suggested planning conditions which were provided in the event I was to allow the appeal, I have considered them against the relevant guidance contained within the Planning Practice Guidance (the PPG) and the Framework which requires that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.
16. I have applied the standard '3 year' time limit condition, and the 'approved plans' and 'materials' conditions in the interests of certainty and in order to preserve the character and appearance of the CA. The Council suggested several conditions relating to the submission of details concerning materials, fenestration and other architectural elements. However, I have consolidated these requirements into a single condition.
17. For the foregoing reasons the appeal is allowed.

Matthew Woodward

INSPECTOR