



Appeal Decision

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2020

Appeal Ref: APP/J1915/D/20/3247086

17 Burnham Green Road, Datchworth, Knebworth, Hertfordshire SG3 6SE

- 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 D & K Feldman against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/2376/HH, dated 20 November 2019, was refused by notice dated 15 January 2020.
 - The development proposed is the erection of front entrance door canopy roof.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of front entrance door canopy roof at 17 Burnham Green Road, Datchworth, Knebworth, Hertfordshire SG3 6SE in accordance with the terms of the application, Ref 3/19/2376/HH, dated 20 November 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 approved plan 13887-P001-1st.

Procedural Matter

2. In response to travel restrictions currently in place due to the COVID-19 pandemic I consider that this appeal can be determined without the need for a physical site visit. This is because I have been able to reach a decision based on the information already available.

Main Issue

3. The main issue is whether the proposal would be inappropriate development in the Green Belt, including the effect on the openness of the Green Belt.

Reasons

4. Paragraph 133 of the National Planning Policy Framework (the Framework) outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
5. Policy GBR1 of the East Herts District Plan (2018) (DP) sets out that planning applications within the Green Belt will be considered in line with the provisions

of the Framework. The Framework, at paragraphs 145 and 146, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.

6. The Appellant considers that the exemption as set out in paragraph 145c) of the Framework should apply. This states that new buildings within the Green Belt are inappropriate unless any extension or alteration of a building is such that it does not result in disproportionate additions over and above the size of the original building.
7. From the evidence before me, the current dwelling results from a planning permission granted in June 2000¹. It is further understood that permitted development rights for extensions and roof alterations were removed from that permission, although such rights were not removed in respect of the erection of porches.
8. The Framework defines the 'original building' as "A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally". The replacement dwelling granted permission in 2000 (which was subsequently implemented) must therefore be considered to be the original building and should form the baseline for any consideration of the exemptions outlined at paragraph 145.
9. With that in mind, the additional of a small porch roof is a very modest alteration to the existing dwelling. To my mind, it would not therefore be a disproportionate addition and would accord with the exemption to inappropriate development as outlined at paragraph 145c) of the Framework.
10. In coming to the above views I acknowledge that the replacement dwelling was larger than the previous dwelling at the site. However, as set out by the Appellant, the new dwelling effectively began a new chapter in the life of the property known as 17 Burnham Green Road.
11. In considering the effect on openness, I have had regard to the Lea Valley Regional Park judgement². This sets out that, where development is considered to be not inappropriate in the Green Belt, such development is not to be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. Consequently, it is not necessary to assess the effect of the development on the openness of the Green Belt any further.
12. For the above reasons the development would not be inappropriate development in the Green Belt and would be consistent with Policy GBR1 of the DP and the aims and objectives of the Framework.

Conditions

13. The Council has provided a list of suggested conditions in their appeal questionnaire that it considers would be appropriate. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty.

¹ Reference 3/00/0495/FP

² Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR