
Appeal Decision

Site visit made on 17 September 2020

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State.

Decision date: 25 September 2020

Appeal Ref: APP/J1915/D/20/3248864

Waterworks Cottage, Wadesmill Road, Chapmore End, Herts SG12 0HB

- 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 and Mrs Georgio against the decision of East Hertfordshire Council.
 - The application Ref 3/19/2568/HH, dated 16 December 2019, was refused by notice dated 4 February 2020.
 - The development proposed is described as '*a rear extension to an existing garage to house a classic car and motorcycle. Single storey. Flat roofed. Rear line of extension to line with rear of pumping station*'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether or not the proposal is inappropriate development in the Green Belt, (ii) the effect of the proposal upon the openness of the Green Belt and (iii) if the proposal is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances to justify development.

Reasons

Whether inappropriate development

3. Policy GBR1 of the East Hertfordshire District Plan 2018(DP) states that proposed development in the Green Belt will be considered in line with the provisions of the National Planning Policy Framework (the Framework).
4. Paragraph 143 of the Framework (2019) states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*' while paragraph 145 states that '*a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.*'

5. Paragraph 145 does however list certain exceptions, including *'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'*. The Framework defines *'original building'* as *'a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally'*.
6. The appellants consider that the test of inappropriate development should be based on the existing dwelling plus the existing additions which were granted in 1986 and constructed by former occupants of the property. In this context, the appellants consider that the proposed extension would add a further 14% to its floor area. However, the Framework is clear that in considering whether development would be disproportionate, this should be based upon the size of the original dwellinghouse. In this case, the Local Planning Authority (LPA) considers that the proposal, in combination with the existing extensions, would result in an increase in the floor area of the original building by approximately 89%.
7. Neither party has referred me to any policy defining a disproportionate addition and neither does the Framework include any such quantifiable definition. However, I have taken into account the existing extensions to the original property together with the proposed addition.
8. I conclude that the proposed additional extension would amount to inappropriate development in the Green Belt and would therefore be contrary to policy GBR1 of the DP and to the Framework. This is a matter to which I afford substantial weight in the planning balance.

Openness of the Green Belt

9. The exception to Green Belt policy relating to extensions to existing dwellings does not require any assessment of the impact on openness or the purpose of the Green Belt. However, the appellant considers that there would be no such harm to the openness of the Green Belt as the proposed development would be hidden from view.
10. The Framework states that the fundamental aim of Green Belt Policy is to prevent urban sprawl and to keep land permanently open. While surrounding buildings may help to hide the proposed development, visual impact is but one factor when considering openness. In spatial terms, the proposal would increase the amount of built form on the site and indeed I have already concluded that the proposal would be disproportionate.
11. Overall, I conclude that there would be modest harm to openness and to the purpose of the Green Belt, contrary to policy GBR1 of the DP and to the Framework.

Other Considerations

12. The appellants consider that the proposed development should be considered against policy more generally and cite matters in the Framework relating to issues such as a requirement for a mix of house types, matters relating to

sustainability, to the protection of the countryside and the enhancement of the area, and to the effective use of land.

13. However, the Framework is specific in that that new buildings in the Green Belt should be regarded as inappropriate, subject to clear exceptions and the above matters are not part of the Framework's exception assessment of inappropriate development. I have concluded that no such exception applies in this case.
14. The appellants consider that it is not necessary to show that very special circumstances apply. However, references are made to the suitability of the design, to the fact that the proposed development would help to hide the pumping station and that it would not have any adverse impact upon the living conditions of any adjoining resident. Moreover, I agree that it would be hidden from public view. Nevertheless, achieving good design and not having an adverse effect on living conditions are matters which I consider to be of neutral consequence in the overall planning balance.
15. On my site visit, I noted that the adjacent pumping station is somewhat dominating and that the large tubular shaped tanks to the rear are overbearing and oppressive. I acknowledge that the proposed extension would help to hide the pumping station and the tanks from part of the rear garden to the appeal property. However, there is no fencing or landscaping along the boundary and which might otherwise mitigate these matters. Submitted photographs with the appeal show a close boarded fencing in place but on my site visit I noted that it was no longer there.
16. The visual state of the land opposite, as mentioned by the appellant, is not a matter for my consideration when assessing the proposed development against Green Belt policy. In addition, I have no information before me to determine whether the proposed development would help the Council to meet any requirements in terms of the housing mix.
17. I afford the aforementioned other considerations no more than limited weight as part of the determination of this appeal.

Planning balance and conclusion

18. I have found that the proposed development would be inappropriate development in the Green Belt and I give this matter substantial weight. I have also concluded that the harm to the openness of the Green Belt should be afforded moderate weight. While the appellants do not consider that it is necessary to show that very special circumstances apply, I have in any event afforded limited weight to the other considerations which they have raised.
19. I conclude that the substantial weight to be given to the Green Belt harm arising from the proposal would not be clearly outweighed by the aforementioned other considerations sufficient to demonstrate very special circumstances. Therefore, I conclude that the appeal should be dismissed.

Steven Hartley

INSPECTOR