



Appeal Decision

Site visit made on 22 September 2020

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 20th October 2020

Appeal Ref: APP/J1915/D/20/3244785

1 High Road, Stapleford SG14 3NW

- 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 Simmonds against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1804/HH, dated 3 September 2019, was refused by notice dated 29 October 2019.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the revised National Planning Policy Framework ("the Framework");
 - The effect on the openness of the Green Belt;
 - The effect on the character and appearance of the area and on the living conditions of the occupiers of No 3 High Road with regard to outlook, sunlight and daylight; and
 - If the proposal is inappropriate development, 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 required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. The appeal site lies within the Green Belt. The proposed first floor rear extension would house a bedroom.
4. Policy GBR1 of the East Herts District Plan (2018) ("the EHDP") sets out that planning applications within the Green Belt will be considered in line with the provisions of the Framework.
5. The Framework states, at paragraph 143, that inappropriate development is harmful to the Green Belt and should not be approved except in very special

circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraph 145. One of the exceptions (at paragraph 145c) is 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 Council states that, combined with previous extensions to the original building, the proposal would result in an increase in size of approximately 55.8%. I concur with these calculations, and the appellant does not dispute them. On this basis, therefore, the proposal would result in a substantial increase in the size of the dwelling, which would amount to disproportionate additions over and above the size of the original building.
7. As a result, the proposal would be inappropriate development in the Green Belt and, in this regard, it conflicts with Policy GBR1 of the EHDP and with the Framework.

Effect on the openness of the Green Belt

8. Paragraph 133 of the Framework states that 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. Openness has both visual and spatial dimensions.
9. The appeal property forms the limit of development in the village and lies at the edge of a substantial area of open countryside. Whilst the extension would not generally be visible from the adjacent highway due to its location at the rear of the dwelling, the property has a relatively prominent position within views from the landscape to the rear due to its edge of settlement location.
10. The proposal would have a limited volume above an existing room. Thus, it would increase the dwelling's bulk by a modest degree. The proposal's impact on openness in visual terms would consequently be modest.
11. The proposed increase in the volume of the dwelling would result in a reduction in the spatial aspect of openness by a modest degree, due to the relatively small size of the extension.
12. I saw other examples of two-storey rear elements within the same row of housing on High Road. However, there is minimal indication that any of these developments have a comparable visual effect to the appeal proposal, or that they were considered according to the same local policy provisions. Furthermore, as the last dwelling in the village the appeal property has an enhanced prominence that the other dwellings do not. Thus, I do not consider that there are particular similarities between the other developments and the appeal proposal. Accordingly, I attach minimal weight to them in determining the appeal.
13. Thus, the proposal would have a greater impact on the openness of the Green Belt than the existing development at the site. This harm would be modest because, whilst the dwelling has a prominent location, the proposed development is of a limited scale.

Effect on the character and appearance of the area and on the living conditions of the occupiers of No 3 High Road ("No 3")

14. The appeal dwelling appears to have been subject to a combined single and two-storey rear extension in the past. Only a single storey element projects from the rear elevation of the adjoining semi-detached dwelling. However, an unbalanced appearance is avoided as the two-storey section of the appeal dwelling is set away from the neighbouring property, allowing for a graduated increase in the building's bulk and for legibility of the appeal dwelling's original rear elevation.
15. Whilst the proposed extension would not generally be visible from the adjacent highway it would be visible from the gardens to adjacent properties and from the land to the rear of the site. The proposal would extend two-storey built form to the boundary between No 1 and No 3. This disproportion between the appeal dwelling and its neighbour would consequently give the building undue prominence which would unacceptably visually unbalance the pair of properties. This would cause harm to the character and appearance of the area. The harm would be limited because of the limited visibility of the proposal.
16. Turning to the effect of the proposal on the outlook, sunlight and daylight available at No 3, that dwelling has a first floor bedroom window which would lie adjacent to the proposed extension. This has a spacious outlook which partially arises from its location looking over the appeal dwelling's rear single storey element. A glazed door lies within the single storey rear element to No 3, which faces the appeal dwelling. Two further ground floor windows are set back within the main rear elevation. These ground floor wall openings all benefit in outlook terms from the spaciousness above the single storey element at the appeal site.
17. The proposed first floor extension would lie close to the bedroom window at No 3. It would project forward of the window by a significant degree, producing an enclosing effect which would significantly harm the window's outlook. The proposal would additionally unacceptably increase the sense of enclosure experienced from ground floor rear wall openings at No 3, due to the introduction of substantial built form to the detriment of the current relative spaciousness.
18. The proximity of adjacent built form would also be likely to reduce the levels of daylight and sunlight to all the wall openings concerned. However, the proposal does not appear likely to significantly interrupt the afternoon/evening sunlight that would result from their position facing approximately west. Furthermore, the single storey rear section of No 3 would still allow for the admission of daylight to the majority of the wall openings concerned. Moreover, I have no substantive evidential basis on which to conclude that the proposal would cause unacceptable harm to the levels of sunlight and daylight available to these rooms.
19. I note that the occupiers and owner of No 3 did not object to the proposal. However, I am not bound by their lack of objection to find the development's effect acceptable in light of all other available evidence.
20. The proposed development would consequently cause limited harm to the character and appearance of the area and significant harm to the living conditions of the occupiers of No 3 with regard to outlook. It therefore conflicts

with Policy DES4 of the EHDP, which states that extensions must be of a high standard of design and must avoid significant detrimental impacts on the amenity of the occupiers of neighbouring properties and land. Further conflict exists with Policy HOU11 of the EHDP, which sets out that extensions should generally appear as a subservient addition to the dwelling and that appropriate space should be left between extensions and neighbouring properties.

Other considerations and the Green Belt Balance

21. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
22. I note the submitted evidence concerning the personal circumstances of family members, and I am sympathetic to these. Nevertheless, the limited evidence which is before me on these matters does not suggest that significant harm in this regard would result without permission for the proposal, or that the scheme would be the only potential means of accommodating the circumstances concerned. As a result, I attach limited weight to this consideration in determining the appeal.
23. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Thus, for the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR