
Appeal Decision

Site visit made on 24 November 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 17 December 2020

Appeal Ref: APP/J1915/D/20/3248315

Bracken Hill, Queen Hoo Lane, Tewin AL6 0LT

- 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. James against the decision of East Hertfordshire District Council.
 - The application Ref: 3/19/2498/HH, dated 6 December 2019, was refused by notice dated 3 February 2020.
 - The development proposed is a second storey extension above an existing single-storey structure
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy
 - The effect of the development upon the openness of the Green Belt; and
 - if the development is 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 development.

Reasons

Whether inappropriate development

3. The appeal site consists of a dwelling that has been the subject of previous extensions and is located within the Metropolitan Green Belt.
4. I have been directed towards Policy GBR1 of the East Hertfordshire District Plan (2018) (the District Plan). This policy requires that developments be considered in line with the requirements of the Framework.
5. Paragraph 145 of the Framework identifies the erection of new buildings within the Green Belt as being inappropriate. There are some exceptions to this, which include the erection of a proportionate extension of an existing building.

6. In this case, the original dwelling, as illustrated on the submitted plans, consisted of a broadly rectangular shape, with a projection to the rear. The dwelling has subsequently been extended through the provision of various extensions at the sides of the building and to its rear. The dwelling also features a canopy on one side and a front porch.
7. The proposed extension, whilst not projecting beyond the footprint of the existing dwelling, in its current rather than original form, would increase the size and massing of the building due to the creation of an additional storey at first-floor level.
8. The proposed development would project beyond the rear elevation of the original dwelling. This extension would be viewed alongside an existing rear extension. In consequence, the multiple projections into the rear garden arising from these extensions, through their size, would erode the original proportions of the dwelling.
9. Furthermore, the front elevation of the proposed extension would be constructed so as to finish flush with the front elevation of the original dwelling. As the proposed extension would be constructed above an existing addition to the house, the proposed development would result in a larger building.
10. Given that the proposed extension would result in the formation of a bulkier dwelling, it would be disproportionate as the existing side extension would be significantly increased in height from a single storey to being of two storeys. In conjunction with the additional existing extensions on the opposite side of the building, this would result in a notably longer dwelling than the original.
11. I have been directed towards a range of figures regarding the percentage increase in the size of the building. However, even if I were to agree with the lower figure, the proposed extension would still represent a significant increase in the size, mass and volume of the building in conjunction with other existing extensions. This means that the proposed development would be a disproportionate addition to the building.
12. In addition, the Framework references that, in assessing such proposals, the judgement that should be made as to whether an extension is disproportionate is an objective one. For the preceding reasons, I have found that the cumulative effects of the proposed and existing extensions would be a disproportionate addition to the dwelling.
13. There is some landscaping present within the appeal site and the surrounding area. However, the Framework is clear that extensions to dwellings within the Green Belt should be constructed from proportions that are consistent with the original dwelling. In result, given that I have found that the proposed development would be a disproportionate addition, the presence of landscaping would not alleviate this matter.
14. My attention has been drawn to several other dwellings in the surrounding area that have been extended. However, houses within the vicinity of the appeal site are constructed to different designs and proportions. In consequence, whether a specific extension is disproportionate would depend on its individual design and siting. In result, the presence of developments elsewhere does not allow me to forego my previous concerns.

15. I therefore conclude that the proposed development would fail to comply with the requirements of District Plan Policy GBR1 and the Framework owing to the inappropriate form of development.

Effect on openness

16. The appeal site is within the Green Belt and in result the appeal site, and the surrounding area benefits from an intrinsic level of openness.
17. By reason of the pattern of development in the vicinity, the extension would be visible, in parts, from the adjacent road. This would be exacerbated by the relatively flat nature of the front garden of the site meaning that the increase in built form would be readily apparent. Whilst some landscaping is present at the appeal site, this would not screen the extension from all vantage points, such as the site's driveway. In result the proposed development would lead to an erosion of the physical character of openness that is a feature of the locality.
18. The proposed development would increase the size and massing of the dwelling. In addition, the original dwelling would have featured larger amounts of space between the side elevations and side boundaries. This would have allowed for the retention of a more open, less developed character that is commensurate with the site's surroundings.
19. In result, the proposed development would create an adverse effect upon the spatial sense of openness that is an intrinsic feature of the Green Belt. This is particularly notable as the proposed extension would be of a height consistent with the original dwelling and, in conjunction with other extensions, would result in a dwelling with a more bulky character
20. I therefore conclude that the proposed development would have an adverse effect upon the openness of the Green Belt. Within this regard, the development would conflict with District Plan Policy GBR1 and the Framework. Amongst other matters, these seek to ensure the retention of an open character within the Green Belt.

Other considerations

21. The development would deliver a dwelling that might accommodate a larger household in a modernised building. However, the benefits of this are limited due to the nature of the development. Furthermore, any benefits to the local economy would also be relatively small owing to the quantum of development and would also be relatively localised in impact. Accordingly, I can only give each of these matters a limited amount of weight.
22. My attention has been drawn to potential alternative extensions that could be constructed at the property. Whilst I understand that these might result in a greater level of floor space being added to the building, a number of these extensions would be at ground floor level only. In consequence, the side elevations of the original dwelling would remain readily perceptible, particularly at first floor level. Accordingly, these would not be the equivalent of the disproportionate extension before me.
23. Whilst an alternative extension might result in an increase in the height of the dwelling, a development of the type illustrated would be the subject of a prior approval process. The evidence before me is not indicative of such prior

approval being sought, or indeed granted. In consequence, I do not have certainty that in the event of this appeal being dismissed, there is a realistic prospect of the alternative proposal being implemented.

24. For these reasons, I am therefore unable to give the presence of potential alternative developments a significant amount of weight in my considerations.

Other Matter

25. I acknowledge concerns raised by the appellant regarding the provision of pre-application advice by the Council. However, in considering this appeal, I have limited my considerations to the planning matters before me.

Planning Balance and Conclusion

26. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to this harm. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
27. As explained above, I give only limited weight to each of the considerations cited in support of the proposal and accordingly I do not find that these amount to the special circumstances necessary to justify the development.
28. In consequence, and for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR