



Appeal Decision

Site visit made on 20 October 2020

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 29th December 2020

Appeal Ref: APP/J1915/D/20/3252589

31 Brookbridge Lane, Datchworth SG3 6SU

- 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 K Gymer and Ms J Florence against the decision of East Herts Council.
 - The application Ref 3/20/0599/HH, dated 18 March 2020, was refused by notice dated 11 May 2020.
 - The development proposed is 2no. side dormers.
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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;
 - 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. 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.
4. 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 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.

5. The Council submits that previous additions to the building have increased its volume by approximately 107%, and that the appeal proposal would result in a cumulative increase in volume of approximately 109%. The appellants contend that the proposal would result in less than a 2% increase in cumulative volume.
6. The proposal would consequently result in a cumulative substantial increase in the overall size of the dwelling even if the appeal proposal alone amounted to an increase of less than 2%. This cumulative increase would amount to disproportionate additions over and above the size of the original building.
7. As a result of the above factors, 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 essential characteristics of Green Belts are their openness and their permanence'. Openness has both spatial and visual dimensions.
9. Whilst the appeal property lies within a row of dwellings, the spacing between these contributes to the openness of the Green Belt. The scheme would increase the volume of the property, and would extend built form across such spaces. Both of the proposed dormers would be visible within the street scene. As a result, the proposal would erode the openness of the Green Belt in both spatial and visual terms. Although the loss of openness that would be directly attributable to the scheme would not be great in itself, it would add to the overall bulk of the property.
10. Thus, the proposal would have a greater impact on the openness of the Green Belt in spatial and visual terms than the existing development at the site and would therefore not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. The harm to openness would be limited due to the relatively modest scale of the proposal.

Other Matter

11. The appellants question the site's inclusion in the Green Belt. However, paragraph 136 of the Framework sets out that, once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. The evidence before me does not suggest that any such alterations are under consideration or have been made. Thus, there is no evidential basis for me to consider the matter further.

Other considerations and the Green Belt balance

12. I have found that the proposal would be inappropriate development which is, by definition, harmful to the Green Belt. As a result, permission should not be granted except in very special circumstances. Paragraph 144 of the Framework 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.
13. The acceptability of the proposal according to other local policy on design and living conditions matters is a neutral issue which does not attract weight. The

site's location within the village's settlement boundary does not affect the provisions of Green Belt policy. I have not identified any other considerations which would weigh in favour of the proposal in the Green Belt balance. Thus, I find that the other considerations in this case do not clearly outweigh the harm that I have identified.

14. As a result, 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