
Appeal Decision

Site visit made on 15 December 2020

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2021

Appeal Ref: APP/W1905/D/20/3258973

Claremont, Burton Lane, Goffs Oak EN7 6SL

- 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 Baxter against the decision of Broxbourne Borough Council.
 - The application Ref 07/20/0293/HF, dated 6 April 2020, was refused by notice dated 16 June 2020.
 - The development proposed is first storey side extension and front porch.
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Decision

1. The appeal is allowed and planning permission is granted for first storey side extension and front porch at Claremont, Burton Lane, Goffs Oak EN7 6SL in accordance with the terms of the application, Ref 07/20/0293/HF, dated 6 April 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: TD316/PL/102, TD316/PL/201 (excluding '3D Proposed Option 1' sketch) and TD316/PL/204.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. During the determination of the appeal I was made aware that the Broxbourne Borough Council Local Plan 2018-2033 ('the LP') had been adopted on 23 June 2020. I am required to determine this appeal in accordance with the development plan and national policy which are in place at the time of my decision. I have been provided with policies from the LP and I have determined the appeal on that basis. I return to these below.
3. The accompanying plans to the application showed 2 options for development. The officers report and appellant's personal statement confirm that it was the proposal with the double gable and valley gutter, titled 'Option 2' on drawing no. TD316/PL/204, that the appellant applied for. It is clear that the Council determined the proposal on that basis and so shall I.
4. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a slightly different wording has been entered. Neither of the main parties has provided written confirmation that a revised

description of development has been agreed. Accordingly, I have used the one given on the original application in the banner heading and decision above.

Main Issues

5. The main issues in this appeal are:

- Whether the proposal would be inappropriate development within the Green Belt.
- The effect of the proposal on the character and appearance of the host property and area.

Reasons

Inappropriate development

6. Policy GB1 of the LP defers to the National Planning Policy Framework ('the Framework'). Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt is inappropriate development and then specifies exceptions. The relevant one here is c) 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.
7. The Framework however is not prescriptive and does not set out any volumetric, or other detailed guidance on how 'disproportionate' should be assessed. Paragraph 145 c) simply refers to size. Accordingly, it is primarily a consideration of the overall size increase in terms of volume and external dimensions, as well as consideration of floorspace and footprint.
8. The host property is a substantial detached property with a 2 storey central element and a substantial single storey side projection. It has a lengthy planning history but the only addition to the original building is a single storey side extension, granted permission in 2010. That extension is as deep as the existing house and sides onto Burton lane. With a mono pitched roof, the highest part of it sits just under the existing first floor windowsills. The proposal before me would be constructed above this extension.
9. The Council contend the proposal would result in a 53.5 square metre increase at first floor level and overall, an increase of over 100 square metres to the original dwelling. No other figures to allow for any other quantitative comparison with the original dwelling have been put before me by either party.
10. This is a large plot with a substantial original building. The proposal would be the same depth as the existing dwelling occupying the same footprint as the side extension. It would be modest in width in comparison to the much wider gable of the original dwelling. The shallow, double gable roof form would be only slightly higher than the ridge of the projection on the opposite side and it would sit significantly below the ridge of the main 2 storey element. The porch would be a minor addition in terms of its size given it is for access only.
11. In my view the resultant built form of extensions on this side of the dwelling would not appear overly large in comparison with the width, height and overall scale and mass of the original dwelling. It would not result in disproportionate additions over and above the size of the original building. It would not therefore be inappropriate development within the Green Belt and benefits

from the exception in Paragraph 145 c) of the Framework. Consequently, there would be no conflict with Policy GB1 of the LP.

12. In terms of effect on openness I have concluded that the proposal would not be inappropriate development. In accordance with established case law¹ it should not be regarded as harmful either to openness of the Green Belt or to the purposes of including land in the Green Belt. Because of my findings it is also not necessary to consider whether very special circumstances exist.

Character and appearance

13. The appeal site sits in a part of Burton Lane that is semi-rural with some low-density residential and other commercial development of varying sizes and forms located on individual plots, and in groups of varying sizes and shapes. This includes substantial detached dwellings in this part of the lane and opposite, which are surrounded by paddocks and open fields.
14. Although proposed on a side elevation that slopes gently up from the lane, this elevation is set well back from the road and it is a large and spacious plot. I also observed mature soft landscaping within the front curtilage that limited views of the dwelling, in particular from the lane. The proposal would be seen through and behind this landscaping and against the backdrop of a much larger and bulkier original building.
15. The roof pitches of the proposed gables would be relatively shallow and in the limited views from the lane and wider locality, the proposal would not appear unduly dominant in terms of its size, scale, or appearance. Whilst it would change the form and appearance of the property from the lane, it would utilise matching materials and be a subservient and sympathetic addition. In such a context the proposal would be an appropriate standard of design.
16. For these reasons, the proposal would not cause harm to the character and appearance of the host property or the area. In terms of policy considerations, the second reason for refusal refers to Policies H6, H8, HD13, HD14 and HD16 of a previous local plan. Having requested clarification from the Council I was provided with Policies H6 and H8 of the recently adopted LP. However, these relate to special needs housing and residential annexes and do not appear to be the corresponding policies from the previous plan.
17. Policy H8 does refer to other design policies of the LP but the Council, despite an opportunity to do so, have not provided any clarification or those other design policies. There is nothing before me to indicate the proposal is specifically housing for the needs of older and vulnerable people under Policy H6 or that the proposal should be treated as a residential annexe, having regard to the proposal applied for and the appellant's personal statement.
18. The Council do however refer to the Framework but given my findings above the proposal would accord with the Achieving Well Designed Places objectives of the Framework and would be sympathetic to local character and of an appropriate quality of design.

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

Other Matters

19. My attention has been drawn to previous appeal and other decisions, including a reference to a dismissed appeal on the appeal site in 2006. However, I have not been provided with the full details and cannot therefore be certain they are directly comparable. Each decision would have turned on its own evidence having been considered on its own merits. Having done so in this case and on the evidence put to me solely by the parties and my own observations, I have not found it necessary to make specific comments on any of these as they do not alter my decision to allow the appeal.

Conditions

20. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. A condition is required to ensure compliance with the approved plans as this provides clarity, amended to exclude reference to a superseded option shown on one of the drawings. In the interests of the character and appearance a condition requiring matching materials is also necessary.
21. The Council have requested a condition restricting the use to additional living accommodation '*in connection with the existing dwelling*'. However, the development applied for was extensions to accommodate a large family and there would be no subdivision of the planning unit. Further, any occupation as a separate dwelling would result in a material change of use and require planning permission of its own right. It is not therefore necessary for such a restriction and I have not imposed it. The ability of the Council to consider whether a breach has occurred and the subsequent ability to take action, if deemed necessary, would not be fettered by my decision.
22. I am satisfied there would be no loss of privacy to neighbouring occupiers if further windows were to be inserted in flank elevations, mindful of permitted development right restrictions². Further, that the layout of windows as proposed is acceptable in terms of character and appearance. I have therefore not imposed the Council's suggested conditions seeking further restrictions on the insertion of windows in flank elevations and amendments to the layout of those proposed.

Conclusion

23. For the reasons set out above, the proposal would accord with the development plan, when read as a whole and the Framework. It therefore also benefits from the presumption in favour of sustainable development as set out in Paragraph 11 c) of the Framework.
24. Having considered all other matters raised, I therefore conclude that the appeal should be allowed.

Richard Aston

INSPECTOR

² Conditions to Schedule 2, part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015.