



Appeal Decision

Site visit made on 2 September 2020

by S Thomas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2021

Appeal Ref: APP/J1915/D/19/3239359

8 Raffin Close, Datchworth, SG3 6RP

- 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 & Mrs Sanjay Patel & Hema Sheorain against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1097/HH, dated 6 June 2019, was refused by notice dated 1 August 2019.
 - The development proposed is ground floor front extension, and addition of one new rooflight on first floor existing side roof plane.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the appeal the appellant's have submitted an Arboricultural Implications Assessment¹ to address the Council reason for refusal 2 in respect of a tree of amenity value. The evidence indicates this tree has subsequently had a Tree Preservation Order placed upon it. The Council has had the opportunity to comment on this. Accordingly, I do not consider any party would be prejudiced by me accepting this document and it has informed my decision on the appeal.
3. The Council's concerns relate to the ground floor extension. No objection has been raised to the proposed addition of one new rooflight and this is not a matter of dispute between the parties. I have assessed the appeal on that basis.

Main Issues

4. The main issues are:
 - (i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - (ii) the effect of the proposal on the openness of the Green Belt;
 - (iii) the effect of the proposal on a protected tree; and

¹ Roavr Environmental – Arboricultural Implications Assessment – 8 Raffin Close

- (iv) whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

5. Paragraph 144 of the Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Inappropriate Development

6. The Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt. Exceptions include 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 relevant development plan policy that deals with development in the Green Belt is Policy GBR1 of the East Hertfordshire District Plan (2018) (DP). This is consistent with the Framework.
7. The appeal property is a detached bungalow with a converted roofspace. Over time the property has benefitted from a number of extant additions including single storey rear extension, single storey front extension, raising the roof and front and rear dormers. Whilst a garage and conservatory were also added, these have been subsequently demolished. Nevertheless, these are not relevant as I am only assessing the impact of the appeal proposal, cumulatively with the extant increases to the size of the original property.
8. The appellants drawing² indicates the original footprint of the dwelling was 77.68m². A front extension of 18.8m² and a rear extension of 27.8m² were added to the property. Based on these figures this would result in an approximate 60% increase in the size of the original dwelling. The proposed ground floor extension would add a further 14.8m² (excluding the existing porch canopy of 9.2m²). This would lead to an approximate 79% increase over the size of the original dwelling which would be a substantial increase. In addition, the dormer windows would have added additional size to the property.
9. The cumulative impact of the extant extensions and that proposed in this appeal would lead to disproportionate additions to the size of the original building. Therefore, this would fail to accord with Paragraph 145 (C) of the Framework. Accordingly, the proposal would represent inappropriate development in the Green Belt which is by definition harmful to the Green Belt. The proposal would therefore also conflict with Policy GBR1 of the DP.

² Site Plan – Original extended footprint Drawing No 8RC-500 Rev 01

Openness

10. Paragraph 133 of the Framework states that the Government attaches great importance to Green Belts. 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 permanence.
11. The appeal property is located within a pocket of residential development set amongst open fields. The appeal property has a generous undeveloped gravelled frontage. Whilst modest, the front extension would comprise two pitched roof elements and would introduce additional bulk and mass to the front of the property and increase the built form, thus having a spatial impact.
12. Whilst I note the property is located toward the end of Raffin Close and benefits from vegetation screening, the spacious frontages contribute to the openness of the Green Belt in this location. The additional bulk, albeit limited proposed to the front of the dwelling would be experienced visually from the street. As such, the front projection would impinge into the open frontage to the front of the property and lead to a reduction in visual openness.
13. Although the reduction in spatial and visual openness would be limited and localised, nevertheless, it would lead to limited harm to the openness of the Green Belt.

Protected Tree

14. The protected beech tree is a prominent feature of visual interest and forms part of a network of trees and landscaping that makes an important contribution to the local landscape character of the area.
15. The technical report provided by the appellants' demonstrate that the large beech tree (T5) already has restricted growth due to the presence of existing hard surfacing within the appeal site and the existence of the old conservatory base between the trunk and the proposals. Having considered the report and observed the relationship with the tree on site, I have no reason to take a different view. I am satisfied therefore that this report is sufficient to demonstrate no harm would occur to the tree.
16. For the reasons above, I do not find the proposal would cause harm to the protected Beech tree (T5). Therefore, the proposal would be consistent with Policy DES3 of the DP. Amongst other matters this policy seeks that development must demonstrate how they will protect landscape features which are of amenity value.

Other Considerations

17. I acknowledge the proposal would be of an acceptable design and would not result in harm to the character and appearance of the area. In this regard I note the letters of support from neighbours. However, I do not share the view that the ground floor extension would improve the appearance of the property and the street scene. I note the proposal would not result in harm to the protected tree. However, these matters would need to be acceptable in any event and therefore are not benefits in favour of the proposal. I therefore attach no weight to these issues in favour of the proposed development.

18. I have considered the personal circumstances of the appellants' in respect of the identified need for the extension. Whilst this is a benefit that weighs in favour of the proposal I am not persuaded otherwise that a more suitable means of reconfiguring or extending the property exists in a way that would achieve this aim rather than the need for a front extension. Accordingly, I only attach moderate weight to this benefit.
19. I recognise that there are neighbouring dwellings which have been extended. However, I do not have the full details of these extensions or the change in size compared to the original dwellings to compare to the appeal proposal. Similarly, the appellant refers to development approved in the local area which they state was on a larger scale than that proposed. Whilst this maybe the case, the full details of this are not before me and I cannot assess its relevance to the appeal before me. Accordingly, this does not weigh in favour of the proposed development.

Green Belt Balance

20. Substantial weight must be given to the harm to the Green Belt due to the inappropriate nature of the proposed development and the limited harm that this would cause to openness. However, the other considerations identified above attract only moderate weight in favour of the proposed development. Consequently, I find the other considerations in this case do not clearly outweigh the harm to the Green Belt that I have identified. Accordingly, the very special circumstances necessary to justify the development do not exist. The proposal would therefore conflict with Policy GBR1 of the DP and the Framework.

Conclusion

21. For the above reasons, the appeal is dismissed.

S Thomas

INSPECTOR