

Appeal Decision

Site Visit made on 16 March 2021 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2021

Appeal Ref: APP/J1915/D/20/3264481

97 Pye Corner, Gilston, Harlow, Essex CM20 2RD

- 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 Tom Plane against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/1504/HH, dated 17 August 2020, was refused by notice dated 12 October 2020.
 - The development proposed is excavation to construct new utility room to side of kitchen and installation of a roof light/lightwell.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues in the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - The effect on the openness of the Green Belt; and
 - Would the harm by reason of inappropriateness be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether it would be inappropriate development

4. The appeal site, containing a three-storey semi-detached dwelling, part of which is subterranean, is located in a residential area which is within the Green Belt. The proposal would extend the basement to provide a utility room and includes a lightwell to the front of the property on the existing driveway.
5. Paragraph 145 of the Framework indicates that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. These 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. Policy GBR1 of the East Herts District Plan (2018) defers to the Framework.

6. There is no definition of disproportionate development within the Framework or within Policy GBR1. However the Council indicate that the original dwelling has a floorspace of 52m², with previous additions covering 56m², and that the proposal would have a floorspace of 8m². The appellant does not dispute these figures but states that the proposed floorspace would be only 7.5m². Although the proposal would only add around 7% to the current floorspace, the Council's calculations show that the cumulative impact of the proposal along with the previous additions to the dwelling would result in a 123% increase in floorspace. This would be a disproportionate addition to the modest size of the original dwelling. The fact that the plot as a whole is large has no bearing on the proportionateness of the extension.
7. Therefore, the proposal would be inappropriate development and would be harmful to the Green Belt which, in accordance with paragraph 144 of the Framework, should be given substantial weight.

Openness

8. As the proposal would be subterranean and not externally visible, except the small light well to the front of the property, it would have no harmful impact on visual openness of the Green Belt. Similarly, although the proposed development would create an extended dwelling, as outlined above, this would be subterranean and within the footprint of the current building and therefore there would be no spatial impact whatsoever on the openness of the Green Belt. This lack of harm to the openness of the Green Belt is a neutral factor.

Other Considerations

9. The appellant has stated that the proposal would improve the residential amenity for the occupiers of the dwelling through improving light levels and providing additional space in the basement. However, this is a small benefit limited to one part of the house and is given limited weight.
10. It has also been agreed by the Council and the appellant that the proposal would not harm the character and appearance of the area, the living conditions of neighbouring occupiers or highways safety. The lack of harm to these factors is given neutral weight.

Green Belt Balance, Conclusion and Recommendation

11. I find that the other considerations in this case do not clearly outweigh the harm by virtue of its inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist.
12. Therefore the proposal would fail to accord with policy GBR1 which seeks to protect the Green Belt, along with the Green Belt objectives of the Framework.
13. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR