



Appeal Decision

Site visit made on 12 April 2021

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 May 2021

Appeal Ref: APP/W1905/D/20/3261571

Doncaster Lodge Annexe, 17 Orchid Close, Goffs Oak EN7 5NF

- 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 Leigh Darnell against the decision of the Borough of Broxbourne Council.
 - The application Ref 07/20/0476/HF, dated 15 June 2020, was refused by notice dated 12 August 2020.
 - The development proposed is two storey side extensions, front dormers and additional roof lights.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is in the Green Belt. Consequently, the main issues are:
 - i) whether the proposal would constitute inappropriate development in the Green Belt;
 - ii) the effect of the proposal on the openness of the Green Belt;
 - iii) the effect of the proposal on the character and appearance of the area;
 - iv) whether the proposal would provide appropriate levels of car parking, and if not, the effect of any under provision;
 - v) the effect of the proposal on the living conditions for the occupants of neighbouring properties; and
 - vi) if the proposal would be inappropriate development, 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 it.

Reasons

Inappropriate development

3. The fundamental aim of Green Belt policy in the National Planning Policy Framework (the Framework) is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

4. Paragraph 143 of the Framework states that inappropriate development is, by definition, 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 development in the Green Belt. However, an identified exception to this 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 term 'disproportionate' is not defined within the Framework, and no definition is provided within the development plan. However, the common understanding is something that is either too large or too small in comparison with something else, with the comparison in this appeal being with the original building. The original building is an annexe structure located to the rear of the large principal dwelling. It is a modest sized building which provides two storeys of accommodation with an external staircase.
6. The proposal would introduce two storey extensions at either end of the building, as well as four dormer windows within the front elevation. The side extensions would have the effect of approximately doubling the footprint of the existing building. They would elongate the structure and substantially increase its mass and bulk, a matter compounded by the introduction of four dormer windows at roof level. Due to the scale and location of the proposed extensions, they would overwhelm and dominate the building, failing to appear subservient in any meaningful way. This would have the effect of creating a significantly larger and more imposing structure and consequently, when assessed against the original building, I am satisfied that the additions would be disproportionate.
7. I note the appellant's reference to infill development as another type of exception identified within the Framework. However, the proposal is described as extensions to the existing building. Accordingly, it is against this exception that the proposal should be assessed, and on this basis, the proposal would result in disproportionate additions over and above the size of the original building. Consequently, I conclude that the proposal would represent inappropriate development within the Green Belt. It would therefore fail to accord with the Green Belt protection aims within the Framework as well as Policy GB1 of the Broxbourne Local Plan (2020) (LP).

Openness

8. The proposal would result in a substantial addition to the existing structure. However, the annexe building is located within an established built up environment which has a somewhat formal appearance in terms of layout and built form. Accordingly, openness is not a defining characteristic within the immediate development. The extensions would have some impact on openness because they would introduce built form in areas that are currently open. However, due to the built up context within which the appeal site is located, I am satisfied that the effect on, and harm to, openness would be very limited.

Character and appearance

9. As identified above, the appeal site is located within a formal built environment. The formality is derived from both the architecture and layout of the housing estate, both of which are carefully planned.

10. The proposed side extensions seek to respect the architectural appearance of the existing building. However, due to the width of the site and the size of the extensions, the proposals incorporate splayed and stepped side elevations. The stepped elevation would bring with it a varied eaves height and generate an irregular side elevation, with a cut out section of roof when viewed from the front. To the other end of the building, the proposal would introduce a splayed footprint with a cut away roof above. Such design features would generate a visual fussiness within the building that would be distinctly at odds with the traditional architecture found within the development. Accordingly, they would have a demonstrably harmful effect on the character and appearance of the area.
11. Dormer windows are a common feature within the immediate surroundings. However, where they do exist, they are carefully located within roof slopes, set away from the eaves and ridge heights. The proposed dormer windows would be set away from the eaves line of the existing building, and their width would be appropriate to the scale of the roof. However, they would meet the ridge of the annexe. Accordingly, they would not replicate the sensitively located dormer windows found elsewhere in the estate. Instead, due to their position on the roof, the elongated structure would appear top heavy in a manner that would fail to complement the surrounding roofscape.
12. My attention has been drawn to numerous other developments within the estate. However, they are all materially different to this proposal which must be determined on its own merits. Accordingly, I attach limited weight to these examples. In addition, I note that permission exists for a new car port. However, again, this is a materially different proposal and one that would have a materially different effect upon the character and appearance of the area. Importantly, it is an effect that has been deemed acceptable and therefore should it be implemented, the character and appearance of the area would be preserved in the eyes of the Council. Accordingly, the car port approval has no bearing on my assessment of the appeal.
13. Due to the combination of the poorly located dormer windows and the incongruous side elevations, I conclude that the proposal would harm the character and appearance of the surrounding area. It would therefore fail to comply with Policies DSC1 and DSC2 of the LP, which taken together, seek amongst other things, high quality design which respects the character of the existing building.

Parking provision

14. The proposal would increase the size of the building, which may increase future occupancy, and it would also result in the loss of a car parking space. In this regard, I note the concerns from the Council that this would not comply with local parking standards and may result in additional cars parked on the highway. However, no evidence has been provided by the Council to substantiate this point. For example, no parking surveys have been provided to demonstrate that on-street car parking is currently problematic, or that there are existing highway safety concerns within the estate. There are also no parking restrictions on the road network.
15. Consequently, although the proposal would not comply with local parking standards, based on the evidence before me, I have no reason to consider that this would be to the detriment of highway safety. Accordingly, I conclude that

the effect of the under provision of parking spaces would not materially harm the safety and convenience of neighbouring properties using the road network. The proposal would therefore comply with Policy TM5 of the LP which seeks a sensible balance of car parking spaces with reference to site context and the wider surrounding area.

Living conditions

16. The proposal would introduce side facing windows at first floor level which would afford views towards the principal building and its adjoining neighbour. However, the plans confirm that the window would not be the only window serving the room. Accordingly, the use of obscure glass within this window would not be inappropriate, and I note that the appellant would be content with such an approach.
17. The dormer windows would look towards Cheltenham House and would be in relatively close proximity. However, they would look over the existing highway and associated public realm. Accordingly, the windows that the proposal would look towards are not within the private realm and therefore I am satisfied that existing levels of privacy would not be materially altered.
18. Consequently, subject to the use of obscure glass, a matter that could be adequately controlled through a planning condition had the appeal proved successful, I conclude that the proposal would not harm the living conditions for the occupants of neighbouring properties. It would therefore comply with Policy EQ1 of the LP which requires development to avoid detrimental impacts on the amenities enjoyed by the occupiers of neighbouring properties.

Other considerations

19. The proposal would provide additional living space and it is the appellant's view that this would make effective use of the land and optimal use of the site. The need for additional living space is not articulated in a particularly compelling manner, however, it is a social benefit that attracts some very limited weight. The principle of developing the site is also not in dispute, based on the evidence before me. Although this is an important consideration, it does not alter my findings set out above and therefore the weight attached to this matter is also very limited.
20. Paragraph 144 of the Framework requires that substantial weight be given to any harm to the Green Belt, and that 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.
21. I have found that the proposal would not harm the living conditions for the occupants of neighbouring properties, or harm highway safety. However, these matters are not specific benefits of the proposal and therefore they weigh neutrally in my assessment of the appeal. I have also had regard to the other considerations set out by the appellant but only give these matters very limited weight.
22. As identified above, the proposal would represent inappropriate development in the Green Belt. It would also cause some limited harm to the openness of the Green Belt as well as harm to the character and appearance of the area. Giving substantial weight to these matters, as required by the Framework, it is

demonstrably apparent that the other considerations in this case would not clearly outweigh the identified harm. Accordingly, very special circumstances do not exist to justify the proposal.

Conclusion

23. For the reasons identified above, the appeal should be dismissed, and planning permission refused.

Martin Chandler

INSPECTOR