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## Appeal Decision

Site visit made on 4 May 2021 by Thomas Courtney BA(Hons) MA

**Decision by Martin Seaton BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 June 2021**

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**Appeal Ref: APP/J1915/D/21/3268973**

**46 Chapel Lane, Letty Green, SG14 2PA**

- 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 Hopley against the decision of East Hertfordshire District Council.
  - The application Ref 3/20/2311/HH, dated 18 November 2020, was refused by notice dated 11 January 2021.
  - The development proposed is the erection of first floor front and side extensions.
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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 are:
  - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and development plan policy;
  - The effect of the proposal on the openness of the Green Belt; and
  - if the development would be inappropriate, whether the harm to the Green Belt by way 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 for the Recommendation

*Whether the development would be inappropriate development*

4. Paragraph 145 of the NPPF states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One exception 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. Policy GBR1 of the East Herts District Plan 2018 (the 'Local Plan') is consistent with the NPPF in that it states that proposals are to be considered in line with the provisions of the NPPF.
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5. The appeal relates to a two-storey detached dwelling which the Council claims has previously been extended. The officer report states that the original dwelling was a bungalow with a floor area of 83.24 square metres. Taking the current proposal together with previous additions, the Council states there would be a cumulative increase of approximately 180% over the floor area of the original dwelling. The appellant has not provided me with corresponding calculations and does not appear to dispute the original building was the bungalow referred to by the Council. However, they consider the extensions would be proportionate and that an assessment of the development based only on quantitative methods is insufficient.
6. Turning to national guidance on measuring 'proportionality', the NPPF refers to 'size'. This can, in my view, refer to volume, height, external dimensions, footprint, floorspace or visual perception. In this case, it is clear that the substantial increase in volume of the dwelling, particularly at first floor level, would result in a considerably greater visual bulk. I therefore find that the scale of the extensions, viewed together with previous additions, would subsume the original dwelling and would be disproportionate.
7. On the basis that the proposed extensions would result in disproportionate additions over and above the size of the original dwelling, I therefore find the proposal would be inappropriate development in the Green Belt and would conflict with Paragraph 145(c) of the NPPF, as detailed above, and policy GBR1 of the Local Plan, which together seek to resist inappropriate development in the Green Belt.

#### *Openness*

8. Openness is identified in the NPPF as one of the Green Belt's essential characteristics. The increased volume and bulk of the appeal property as a result of the extensions would have an adverse effect on the openness of the Green Belt in a spatial sense. Furthermore, although the extensions would not increase the footprint of the host dwelling, the proposed first floor pitched roof extension to the front projection would be visually conspicuous in light of its considerable height and depth.
9. I also find the increased width of the dwelling at first floor level would reduce the visual gap between the appeal property and the neighbouring property at No. 48 Chapel Lane, unacceptably eroding the spaciousness between the two dwellings and thus the visual openness afforded by this gap within the area, and when viewed from Chapel Lane.
10. The spatial and visual impact on openness would result in limited harm to the Green Belt.

#### *Other considerations*

11. The NPPF states that inappropriate development should not be approved except in very special circumstances, 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. Substantial weight should be given to any harm to the Green Belt.
12. In this regard, the appellant opines that the proposal would not harm the character of the area and would adhere to Policies VILL3, HOU11 and DES4 of

the Local Plan. The proposal's compliance with standard housing and design policies is not the issue at hand as the refusal relates to the development's conflict with local and national Green Belt policy. An absence of harm in this regard does not lend positive or negative weight to the proposal.

13. I recognise that a number of properties to the east of the appeal dwelling also feature alterations and extensions. However, I have not been provided with the full details and background to these cases and whilst I cannot therefore conclude that the circumstances are directly comparable and relevant to the proposal, I am mindful of the need to consider each case on its own merits. I do not therefore attach any significant weight in support of the proposal.
14. My attention has been drawn to an appeal decision relating to a large contemporary designed dwelling which lies opposite 42 Chapel Lane, to the north west of the appeal site. However, whilst I have not been provided with the full detail and background to this case, it seemingly related to a new infill dwelling within a large plot on the northern side of Chapel Lane which differs markedly from the circumstances of the proposal before me. The reference to that appeal decision does not therefore attract any significant weight in support of the proposal.

### **Planning Balance and Overall Conclusion**

15. I consider that the development causes harm to the Green Belt by way of its inappropriateness and to its openness, and substantial weight should be given to these harms. I conclude that cumulatively there are no other considerations that clearly outweigh the harms and therefore there are no very special circumstances to justify the development. Consequently, the development is contrary to the development plan taken as a whole, and in particular conflicts with Paragraph 145(c) of the NPPF and Policy GBR1 of the Local Plan which together aim to protect the Green Belt from inappropriate development.

### **Recommendation**

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*Thomas Courtney*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

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

*Martin Seaton*

INSPECTOR