
Appeal Decision

Site visit made on 14 December 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th January 2022

Appeal Ref: APP/J1915/D/20/3262118

Penrhyn, London Road, Spellbrook, Hertfordshire CM23 4BA

- 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 Imdad Hussain against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0854/HH, dated 1 March 2020, was refused by notice dated 7 August 2020.
 - The development proposed is described as "amendment to existing garage approved under 3/16/0331/HH to incorporate a pitched roof rather than a flat roof".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of development given above, the design and access statement also states that the garage was built slightly wider than approved. This formed part of the Council's consideration of the planning application and is also part of my consideration of this appeal.
3. The works for which planning permission are sought had been substantially completed by the time of my site visit. The appeal is determined on this basis.

Main Issues

4. The main issues are:
 - Whether the development proposed would constitute inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies,
 - The effect on the openness of the Green Belt; and,
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The National Planning Policy Framework (the Framework) states that the construction of new buildings should be regarded as inappropriate in the Green Belt, save for certain exceptions. One of the exceptions 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 DP) states that planning applications within the Green Belt will be considered in line with the provisions of the Framework.

6. Whether or not a development would be disproportionate is a matter of planning judgment. The host dwelling has been substantially extended. The Council states that these extensions, taken together with the garage the subject of this appeal, amount to more than a 200% increase in the floor area of the original building. The appellant has not contested this assessment of the scale of additions, which amounts to a very substantial increase.
7. The garage as built is slightly wider and significantly deeper than that previously approved, with a dual-pitched roof resulting in a substantially taller building. These further increase the overall scale of additions to the original building. When taken together these amount to disproportionate additions over and above the size of the original building.
8. The appeal proposal is therefore inappropriate development in the Green Belt, contrary to DP Policy GBR1 and the identified requirements of the Framework.

Openness

9. The garage as built has a larger footprint and is substantially taller than the approved garage. While it is not in public view due to its siting at the rear of the house, and it is set down from the ground level of the house, it is visible from neighbouring properties and its size results in a loss of Green Belt openness.

Other considerations

10. The appellant suggests that the height of the garage is below that allowed as permitted development, noting the sloping ground level within the site. However, the building is within 2 metres of the nearest site boundary, and therefore the maximum height allowed as permitted development is 2.5 metres. The height of the building significantly exceeds this even when measured from the highest ground level immediately adjacent to the building. This therefore carries very limited weight.
11. The appellant notes that the garage is set to the rear of the house and is seen in the context of that larger building, is set at a lower level and is screened by vegetation. These result in the garage only being of limited visibility in the area. These considerations carry moderate weight in the overall balance.
12. However, the appeal proposal is inappropriate development and causes a loss of openness in the Green Belt. Substantial weight must be accorded to any harm to the Green Belt, and the considerations identified by the appellant do not clearly outweigh the harm caused by the garage. Very special circumstances therefore do not exist in this instance.

Conclusion

13. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR