



Appeal Decision

Site visit made on 19 January 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 JANUARY 2022

Appeal Ref: APP/J1915/D/21/3280985

95 Pye Corner, Gilston 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 Lee Jones against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/1490/HH, dated 3 June 2021, was refused by notice dated 10 August 2021.
 - The development proposed is first floor rear extension with associated elevational alterations (Resubmission).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - The effect on the character and appearance of the area.
 - If the proposal is inappropriate development, whether 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 the proposal is inappropriate development

3. The National Planning Policy Framework July 2021 (the Framework) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraph 149 of the Framework.

4. Of relevance to this appeal is that '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' is listed as an exception in paragraph 149c.
5. 95 Pye Corner has been previously extended with single and two storey extensions. The original dwelling was small, nevertheless the Framework is clear that to meet exception c of paragraph 149 it is the size of any extension relative to the original building, not the existing building, that is relevant.
6. The proposed development would result in a dwelling which would be approximately double the width of the original house with a two storey rear extension for the majority of this extended width. It is put to me that this would be a volumetric increase of around 260%, increase in floor area of 210% and increase in footprint of 210% from the original building. This considerable increase in bulk and scale would result in overly large, disproportionate additions relative to the size of the original building.
7. Therefore, for the reasons described above, the proposed development would be inappropriate development in the Green Belt in the terms of the Framework. As such, in this respect, it would also be contrary to Policy GBR1 of the East Herts District Plan October 2018 (the DP) which, amongst other things, requires that planning applications within the Green Belt are considered in line with the provisions of the Framework.

Openness

8. Openness has both spatial and visual dimensions. The proposal would introduce first floor development where currently there is none, and therefore there would be harm to spatial openness. Furthermore, the proposed development would be visible in glimpsed public views between from the road. It would also be seen in private views from neighbouring properties and gardens. Therefore, in terms of visual intrusion, the proposed development would have a greater impact on the openness of the Green Belt than existing.
9. The fact that the proposed development would be an extension to an existing property, would be above an existing rear extension and would be next to a neighbouring two storey extension would reduce the extent of the harm, which would therefore be modest.
10. Nevertheless, for the reasons above, the proposed development would be harmful to the openness of the Green Belt. Consequently, it would be contrary to the Framework and policy GBR1 of the DP, the aims of which are set out above.

Character and Appearance

11. 95 Pye Corner is one of a few small semi-detached dwellings in this location, many of which have been extended, albeit their traditional modest appearance is generally apparent. The host property has a two storey side extension which creates the appearance of a wider property as well as a secondary single storey rear extension and porch.
12. The proposed development would increase the rear extension to a two storey addition which extends to the ridge height. It would not be set in from the side elevation and its scale is exacerbated by the lower ground levels to the rear of this site along with its height. This would create an oversized, dominant rear

extension harmful to the modest character and appearance of the dwelling and those in the surrounding area. Although the pitch of the roof matches the existing, the lack of harm in this respect is a neutral factor.

13. Whilst this matter was not referred to in the Council's decision 3/20/2141/HH this does not lead me to set aside the harm I have found in this regard.
14. As such the proposed development would have a harmful effect on the character and appearance of the surrounding area. This would be contrary to Policies HOU11 and DES4 of the DP. Together these require that extensions must be of a high standard of design, should be appropriate to the existing dwelling and should generally be subordinate, amongst other things.

Other Considerations

15. The land to the rear of this site has been allocated for urban development in the DP and is not in the Green Belt. An application for outline planning permission¹ has been submitted for this land, although there is nothing to indicate that any work has commenced. Nevertheless, the fact that the appeal site is within the Green Belt is not in dispute. Therefore, Green Belt policies and the purposes of the Green Belt remain relevant to this appeal.
16. The extension would provide enlarged and improved living accommodation for the occupiers. However, this benefit would mainly be private and therefore I afford this minimal weight.

Green Belt Balance

17. The Government attaches great importance to Green Belts. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness and effect on openness. As well as the public and permanent harm to the character and appearance of the area. These issues are not outweighed by the considerations advanced by the appellant. Therefore, the other considerations in this case, even when considered together, do not clearly outweigh the harm that I have identified.
18. The very special circumstances necessary to justify the development therefore do not exist. Consequently, the proposed development would conflict with policies GBR1 of the DP and paragraph 148 of the Framework the aims of which are set out above.

Conclusion

19. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR

¹ 3/19/1045/OUT