
Appeal Decision

Site visit made on 21 February 2022

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th March 2022

Appeal Ref: APP/X1925/W/21/3280733
67 Codicote Road, Codicote AL6 9TY

- 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 Smith against the decision of North Hertfordshire District Council.
 - The application Ref 20/03081/FPH, dated 30 December 2020, was refused by notice dated 19 May 2021.
 - The development proposed is a ground floor extensions to front and rear, first floor extension to front, loft conversion with new gables to front and rear and raised roof, and a detached garage and gym building following demolition of the existing car port.
-

Decision

1. For the reasons that follow, the appeal is dismissed insofar as it relates to the ground floor extensions to front and rear, first floor extension to front, loft conversion with new gables to front and rear and raised roof. However, it is allowed in relation to the detached garage and gym building following demolition of the existing car port at 67 Codicote Road, Codicote, in accordance with the terms of the application Ref 20/03081/FPH, dated 30 December 2020, and the plans submitted with it insofar as they relate to that element of the scheme, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3133 PL01A, 02, 04A, 06, 07, 08A, 09A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. I have adapted the description of development on the application form to provide a more precise summary of development proposed.
3. The development the subject of the planning application comprised a number of elements, all of which are before me in this appeal. I am mindful, however, that the Council's decision indicates that it has no objections to the proposed detached garage and gym structure to the front driveway, replacing an existing

car port. I have no reason to disagree with that conclusion. Given that context, my reasoning below focuses on the remaining elements of the proposal.

Main Issues

4. In light of the forgoing, the main issues which relate to the proposed extensions to the main house, are:
- whether or not the proposed extensions to the house would be inappropriate development in the Green Belt;
 - the effect on the openness of the Green Belt; and,
 - if the extensions are considered to be inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the 'very special circumstances' necessary to justify them.

Reasons

Whether inappropriate development

5. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt is inappropriate development, subject to a number of exceptions. The relevant exception in relation to the proposed house extensions is whether or not an extension to a building results in disproportionate additions over and above the size of the original building. The Glossary to the Framework confirms that the 'original building' is as it existed on 1 July 1948. The term 'disproportionate' is not defined in either the Framework, the Development Plan, or the emerging Local Plan.
6. The planning history of the site indicates that the original building may have already been extended¹. The supporting information to the appeal is not clear either way on this matter. In the absence of any evidence to the contrary, and given the importance attached to the Green Belt in national and local planning policy, I have proceeded on the presumption that the building has already been extended by the implementation of the 1987 permission. That said, details of that extension have not been provided and it is not, therefore, possible to come to a firm conclusion about the cumulative effect of the 1987 and the now proposed extensions to the property. Adopting a worst case scenario, and based on the figures cited in the Officer's Report, I consider that the proposed house extensions represent a disproportionate addition to the original building. As such, the appeal scheme comprises inappropriate development.
7. Paragraph 147 of the Framework finds that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 148 states 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.

¹ Ref 87/00827/1: Erection of two storey side extension to provide granny annexe, Conditional Permission, June 1987

Effect on the openness of the Green Belt

8. Paragraph 137 of the Framework confirms that the essential characteristics of Green Belts are their openness and their permanence. The proposed roof extension and raising of the ridge line and increase in bulk of the roof would marginally block existing views between the appeal property and those to either side through to the properties on Salix Close and a small area of countryside behind. However, I observed on my site visit that gaps would remain to either side, still affording some views. There would also be some harm to spatial openness from the proposed extensions to the house, but these would be relatively modest. Even at roof level, the increase in bulk would be moderate and would largely be within the footprint of the existing house. In addition, the roof profile and forms of the neighbouring properties to either side are currently taller and more prominent than the existing appeal property. The proposed increase in bulk would be perceived in this context, which also minimises the effect of the proposal on surrounding views and perception of openness. Nevertheless, there would be some harm, albeit limited, to visual and spatial openness from the proposed extensions to the house.

Any other harm

9. The proposal would not harm the unrestricted sprawl of large built-up areas because it is not in a large built-up area. The appeal site is not in a town, and, in any event, the proposed extension would only increase floorspace in the direction of existing built form that surrounds the appeal property. The proposal would not, therefore, have an effect on neighbouring towns merging into one another. The proposed extension would also be entirely within the footprint of the existing dwelling and its garden and would not, therefore, result in encroachment into the countryside. I have been provided with no evidence that the proposal would harm the setting and special character of historic towns. The extension of a family house would have no effect either way on the recycling of derelict and other urban land. Consequently, the proposal would not harm any of the purposes of Green Belt land as set out in at paragraph 138 of the Framework.
10. A number of objections have been received, including from the Salix Management Company representing residents of Salix Close. These raise concerns with the following aspects of the proposal: the design of the car port replacement; loss of sunlight to No 69 Codicote Road; damage to the trees to the front garden; overlooking from new higher windows to neighbouring properties and gardens; construction access and disruption; and, the possibility that the proposed gym would be used for commercial purposes and, if so, concerns regarding noise pollution and other disruption from such a use.
11. I have taken all of these factors into consideration. Most were addressed in the Officer's Report, with the Council concluding that there would be no material harm in these regards. No substantiated evidence has been submitted that leads me to any different view. Others are addressed in my reasoning above. If the gym were to be used for commercial purposes then this would represent a change of use and the owner would need to apply for planning permission. The effect of such a proposal would be assessed at that stage.
12. No other objections have been raised by the Council or other parties. There would be no non-Green Belt harm from the proposal.

Other considerations

13. The proposal would extend a family house, providing additional accommodation. The house is already a relatively large 4-bedroom property. However, the additional accommodation would provide minor benefits to the occupiers.

Very special circumstances

14. In addition to the harm by reason of inappropriateness, I have identified some, albeit limited, harm to the spatial and visual openness of the Green Belt. I place substantial weight on these harms, as directed by paragraph 148 of the Framework. The benefit of the proposal to the occupiers from the increased size of the house would be a minor private benefit, and I place low weight on this benefit. I therefore find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal therefore conflicts with Saved Policy 2 of the District Local Plan No.2 with Alterations Originally adopted April 1996, Saved Policies Written Statement dated September 2007, which reflects national guidance with regard to demonstrating 'very special circumstances'. The proposal also conflicts with emerging Policy SP5 of the Local Plan 2011 – 2031 Proposed Submission, dated October 2016, which also reflects national guidance.

Conclusion

15. For the reasons above, and having regard to all matters raised, the appeal fails in relation to the ground floor extensions to front and rear, first floor extension to front, loft conversion with new gables to front and rear and raised roof rear extension. The appeal should not, therefore, succeed for those elements. It does succeed, however, in relation to the detached garage and gym.

Conditions

16. In relation to conditions that need to be imposed on that element of the scheme which succeeds, in addition to the standard time limit condition, a condition specifying the relevant drawings provides certainty. The materials condition is necessary to protect the character and appearance of the area.

O S Woodward

INSPECTOR