The Planning Inspectorate

Appeal Decision

Site visit made on 12 April 2022 by Darren Ellis MPlan

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2022

Appeal Ref: APP/J1915/D/21/3282188
20 Desborough Drive, Tewin Wood, Tewin AL6 0HJ

- 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 N Herriott against the decision of East Hertfordshire District Council.
- The application Ref 3/21/0762/HH, dated 18 March 2021, was refused by notice dated 19 August 2021.
- The development proposed is the demolition of front porch and construction of two storey front extension.

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.

Procedural Matter

3. The description of development on the planning application form was for a 'first floor front extension.' However, as stated in the appellant's statement and shown on the submitted drawings, the existing porch would be demolished and the replaced with a slightly narrower front extension. I have therefore used the description of development as shown on the decision notice and appeal form, which more accurately describes the proposal.

Main Issues

4. The appeal site is within the Green Belt and so the main issues are:

   - whether the proposal would be inappropriate development for the purposes of development plan policy and the National Planning Policy Framework;
   - the effect of the proposal on the openness of the Green Belt; and
   - if the proposal would be inappropriate development, 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 it.

Reasons for the Recommendation

Whether the proposal would be inappropriate development

5. The National Planning Policy Framework (the Framework) establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building. This is provided that the extension does not result in a disproportionate addition over and above the size of the original building. The Framework defines 'original building' as 'a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally.'

6. Policy GBR1 of the East Herts District Plan (October 2018) (DP) seeks to protect the Green Belt and requires development proposals in the Green Belt to be considered in line with the provisions of the Framework. Neither the DP nor the Framework define 'disproportionate'.

7. The appeal property is a two-storey detached dwelling set in a generous plot. It is evident that it has been previously extended, most recently with a single storey extension replacing the garage. A two-storey rear extension, which was allowed on appeal at the same time[1], has also been constructed since the application was decided.

8. The Council in its officer report asserted that the existing and proposed extensions would increase the floorspace of the original property by 132%, although at the time of the Council's decision the two-storey rear extension had not been built. The Council states that increase in floorspace of the property would be 173.6% including the rear extension, which the appellant does not dispute. I acknowledge that the proposal would be on a slightly smaller footprint than the existing porch, but as a two-storey extension it would increase the floorspace of the dwelling by approximately a further 10sqm compared to the existing situation.

9. Size can be more than a function of floorspace and footprint and can include bulk, mass, and height. In this case, the scale and mass of the building has already been substantially increased through the existing additions. Although relatively modest in itself, the proposed front extension would further increase the massing of the dwelling and would add to the visual bulk as well as the volumetric impact of previous extensions.

10. Consequently, the proposed front extension would, together with the existing extensions, cumulatively amount to a disproportionate addition over and above the size of the original building. The proposal would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

11. The appellant states that the adjacent property at No 18 has been significantly altered in size and design and that the Council has been inconsistent in the application of Green Belt policy. However, no details of any planning permissions for extensions or alterations at No 18 have been provided and therefore I am unable to compare the approach of the Council in these instances. Moreover, the appeal property has also been significantly extended. This does not therefore alter my conclusion on this main issue.

[1] Appeal ref. APP/J1915/D/19/3221452

Openness

12. Openness is an essential characteristic of the Green Belt. The Planning Practice Guidance states that openness is capable of having both spatial and visible aspects, so that both the visual impact of the proposal and its volume may be relevant.[2]

13. The front extension would increase the visual bulk and massing of the dwelling and would therefore result in a reduction in the openness of the Green Belt in both visual and spatial terms. However, given the modest size of the extension and the backdrop of the existing dwelling, that harm would be limited. Nonetheless, one of the fundamental aims of Green Belt policy is to keep land permanently open and, having regard to the Framework, I afford this harm substantial weight.

Other Considerations

14. I note that the Council considers the effect of the appeal proposal on the character and appearance of the existing dwelling to be satisfactory and, based on the evidence before me, I have no reason to disagree. However, while the overall design of the proposal, including roof form and materials, would be sympathetic to the existing dwelling, that is also true of the existing porch. Given the off-centre position of the proposal it would not improve the symmetry of the building beyond the existing situation. Therefore, I find the impact on the character and appearance of the dwelling to be neutral.

Whether very special circumstances exist

15. The proposed front extension would cause harm to the Green Belt by way of inappropriateness and reduction in openness, to which I afford substantial weight.

16. The Framework states that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The other considerations identified above do not clearly outweigh the totality of the harm. Consequently, the very special circumstances necessary to justify the front extension do not exist.

Conclusion and Recommendation

17. Accordingly, the proposal would conflict with DP policy GBR1 and with the Framework. There are no material considerations which indicate that a decision should be made other than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal be dismissed

Darren Ellis

APPEAL PLANNING OFFICER

[2] Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and I agree with the recommendation that the appeal should be dismissed.

L McKay

INSPECTOR