



Appeal Decision

Site visit made on 6 September 2022 by Thomas Courtney BA(Hons) MA

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022

Appeal Ref: APP/J1915/D/21/3284358

56 Bayford Green, Bayford SG13 8PU

- 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 Oliver & Kristina Riley against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/0759/HH, dated 17 March 2021, was refused by notice dated 14 July 2021.
 - The development proposed is the removal of conservatory and replacement with single storey extension, single storey side infill extension.
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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 (the 'Framework') and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - 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. The appeal property comprises a semi-detached two-storey dwelling situated on the eastern side of Bayford Green which is a cul-de-sac located within the Green Belt. The property features a single storey rear extension, a conservatory and a large rear garden.
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5. Paragraph 149 of the Framework states that new development is inappropriate in the Green Belt unless it falls within the given list of exceptions. Under exception (c), the extension or alteration of a building will not be inappropriate 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 this in that it states that proposals will be considered in line with the provisions of the Framework.
6. The Council states that the original dwelling had a floor area of approximately 88.98 sqm and that when taking into account subsequent extensions and the proposed development, the resultant dwelling would have a floor area totalling 185.56 sqm. This would represent an increase in floor area above the original dwelling of approximately 108.5%. These figures differ significantly from the figures put forward by the appellant. Indeed, the Appeal Statement states that the original dwelling had a floor area of 101.73 sqm and that the existing dwelling has a floor area of 165 sqm. They also contend that the resultant dwelling would have a floor area of 172 sqm and that therefore the proposed extensions would represent an increase in floor area above the original dwelling of 62.2%.
7. It is considered that even when taking the lowest figure put forward by the appellant, an increase of 62.2% in floorspace above the original dwelling would be significant. However, I acknowledge that a considerable amount of the development would replace the existing conservatory and a portion would consist of an infill to an area of hardstanding between the main rear wall and the conservatory. Whilst the development plan does not refer to a defined way of assessing and measuring proportionality, the NPPF refers to 'size' in the context of this, which can reasonably be interpreted as a reference to volume, height, external dimensions, footprint, floorspace or visual perception. In this case, the overall increase in floor area when seen in conjunction with previous extensions, together with the proposed increase in depth and height of the rear extension and volume of roofscape would quite clearly result in substantially greater visual bulk to the resultant dwelling. I find that the scale of the extensions would subsume the size and form of the original dwelling and would therefore represent a disproportionate form of development.
8. On this basis, the proposal would be inappropriate development in the Green Belt and would conflict with Paragraph 149(c) of the Framework, as detailed above, and Policy GBR1 of the Local Plan which together seek to resist inappropriate development in the Green Belt.

Openness

9. Openness is identified in the Framework as one of the Green Belt's essential characteristics. It has a spatial aspect as well as a visual aspect. The additional bulk and volume as a result of the increase in depth and height of the dwelling would materially impact on openness in a spatial aspect resulting in some limited harm to the Green Belt.
10. Furthermore, the increase in bulk and volume due to the proposed pitched roof and enlarged depth when compared with the existing conservatory means the proposal would also have a greater visual impact on the openness of the Green Belt. Additionally, the proposed development would appear as an excessively bulky addition when compared to the lightweight appearance of the existing conservatory given it would feature timber cladding and a tiled roof.

11. Whilst the appellant opines that there would be limited views of the development, it would feature prominently in the streetscene given the orientation of the dwelling and the neighbouring property to the south being set back from the road. The proposed extension would therefore be easily visible to pedestrians and motorists travelling northwards on Bayford Green as well as to adjacent occupiers.
12. For these reasons, the proposed development would result in an adverse impact on both the spatial and visual openness of the Green Belt resulting in limited harm to the Green Belt.

Other considerations

13. The Framework highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, with substantial weight given to any harm to the Green Belt. 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.
14. In this regard, the appellant states that the adjacent property at No.58 features rear extensions of a similar scale to the proposal. I appreciate that the development would have a comparable footprint to the neighbouring rear extensions. However, given the extension at No.58 has a flat roof, it is not entirely comparable to the proposed development which would feature a pitched roof. The development would appear significantly bulkier than the neighbouring extension in light of the proposed volume of roofscape. It would thus be read as an incongruous and discordant addition to the appeal property. I therefore attach only very limited weight to this consideration.
15. Furthermore, the appellant states that the proposal would allow for improved energy efficiency. Whilst I appreciate this may be the case, such improvements can be achieved without the erection of an addition of this scale. This consideration therefore only attracts very limited weight.

Planning Balance and Overall Conclusion

16. I consider that the development causes harm to the Green Belt by way of its inappropriateness and limited harm to its openness, and substantial weight must be given cumulatively to this harm. On balance, the very limited weight attributed to the other considerations in this case does not clearly outweigh the harm I have identified. I conclude therefore there are no very special circumstances to justify the development.

Recommendation

17. 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

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR