



Appeal Decision

Site visit made on 13 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: 12 October 2022

Appeal Ref: APP/J1915/D/21/3285683

17 Brookbridge Lane, Datchworth SG3 6SU

- 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 Simon Little against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/1525/HH, dated 8 June 2021, was refused by notice dated 12 August 2021.
 - The development is a proposed single storey rear/side 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 detached dwelling situated on the eastern side of Brookbridge Lane in an established residential area within the Green Belt. The property features a two-storey rear extension and a large outbuilding in the rear garden.
 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
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- exception (c) the extension or alteration of a building would 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 officer report states that the original building was a bungalow with a floor area of 53 square metres (sqm). Taking the current proposal together with previous additions, the Council states there would be a cumulative increase of approximately 266% over the floor area of the original building. Whilst the appellant questions whether the size of the original dwelling stated by the Council was the size of the original dwelling as of 1st July 1948, they have not provided me with corresponding figures or calculations. Given the definition of 'original building' outlined in the Glossary to the Framework states that it is the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally, it is assumed that the Council are indeed referring to the size of the original building as it existed on 1 July 1948.
 7. Whilst the appellant states that the size of the original bungalow does not provide adequate living space for the 21st Century and would need to be extended, the property has clearly been extended and appears as a two-storey dwelling. The appellants also consider the extensions would be proportionate and that an assessment of the development based only on quantitative methods is insufficient. Turning to national guidance on measuring 'proportionality', the NPPF refers to 'size'. This can, in my view, refer to volume, height, external dimensions, footprint, floorspace or visual perception. In this case, a cumulative increase in floorspace of 266% would be significant. Whilst the appellant contends the extension would be small and would be a logical rounding-off of the footprint of the property, the increase in footprint, built form and volume of the dwelling would result in greater visual bulk. I therefore find that the scale of the extension, viewed together with previous additions, would subsume the original dwelling and would be disproportionate.
 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 width of the rear projection would materially impact on openness in a spatial aspect resulting in some limited harm to the Green Belt. Furthermore, the increase in footprint, bulk and volume means the proposal would also have a greater visual impact on the openness of the Green Belt. However, it would not feature prominently in the streetscene, nor would it be visible to adjacent occupiers to the north and east.
10. 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

11. 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.
12. In this regard, the appellant opines that the proposal would not harm the character of the dwelling or area and would adhere to Policies VILL2, HOU11 and DES4 of the Local Plan. The proposal's compliance with standard housing and design policies is not the issue at hand as the refusal relates to the development's conflict with local and national Green Belt policy. An absence of harm in this regard does not lend positive or negative weight to the proposal.
13. I have had regard to the photographs provided by the appellant within Appendix A to the Appeal Statement. I recognise that a number of properties in the surrounding area also feature alterations and extensions, such as at Nos 5 and 67 Brookbridge Lane. However, I have not been provided with the full details and background to these cases and whilst I cannot therefore conclude that the circumstances are directly comparable and relevant to the proposal, I am mindful of the need to consider each case on its own merits. The new dwellings referred to, such as at 92 Harmer Green Lane, differ significantly in nature and scale to what is proposed and it is not clear what development was on the respective sites prior to permission being granted for those properties. Therefore, it is not clear that those schemes are comparable to the scheme before me. These considerations therefore do not lend any significant weight in support of the proposal.

Planning Balance and Overall Conclusion

14. 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

15. 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

16. 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