



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: 30TH November 2022

Appeal Ref: APP/J1915/D/21/3287640

4 Hadham Park Cottages, Cradle End, Little Hadham SG11 2EH

- 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 Frank David Harvey against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/1700/HH, dated 24 June 2021, was refused by notice dated 5 October 2021.
 - The development is a two storey side extension, single storey rear extension, side porch and relocated access and driveway.
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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.

Preliminary Matters

3. I have had regard to a previous scheme at this site for the erection of a two-storey side extension, single storey rear extension, side porch and relocated access and driveway (application ref. 3/19/2441/HH) refused in 2020 and dismissed at appeal (ref. APP/J1915/D/20/3250300).

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether the development would be inappropriate development

5. The appeal property comprises a semi-detached dwelling within a small settlement in the Green Belt. The property features a pitched roof rear outrigger, a small flat-roofed single storey rear extension as well as a lean-to side extension.
6. Paragraph 149 of the Framework states that new development is inappropriate in the Green Belt unless it falls within the given list of exceptions. Exception (c) addresses 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. 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.
7. The parties have provided differing figures with regards to the size of the original building. The Officer Report includes a table laying out the percentage differences in floor area, floor space and internal floor space between the original dwelling and the resultant proposed dwelling. The Council states that the proposal would result in an 102% increase in floor area, an 89% increase in floor space and an 107% increase in internal floor space. The appellant, however, states that the proposal would result in an increase of 46.1% in floor area. The discrepancy can mainly be attributed to the inclusion in the appellant's figures of the floor area of an outbuilding which was formerly present on-site. Whilst I have had regard to the Council's base map from 1948-1970, it is unclear whether the outbuilding formed part of the original building in 1948.
8. It is considered that even when taking the lowest figure quoted by the parties, an increase in floor area of 46.1% would be considerable. However, moving away from an assessment of the development based only on quantitative methods and 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. Whilst the appellant contends the extensions would be visually subservient to the main dwelling, the increase in footprint, built form and volume of development, especially at first floor level, would result in greater visual bulk. I appreciate the fact that the width of the development has been reduced from what was previously proposed (application ref. 3/19/2441/HH) however the scale of the extensions would subsume the original dwelling and would be disproportionate.
9. 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

10. 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 development would materially impact on openness in a spatial aspect resulting in some limited harm to the Green Belt. Furthermore, the increase in footprint, two-storey built form, bulk and volume means the proposal would also have a greater visual impact on the openness of the Green Belt. It would feature prominently in the streetscene and, due to the proposed height of the side extension, it would be visible from the open countryside to the east.

11. Whilst paragraph 149(c) of the Framework does not explicitly refer to openness, it is undoubtedly one of the essential characteristics of Green Belts as stated in paragraph 137 of the Framework. Furthermore, although the appellant refers to a recent Supreme Court decision (*Samuel Smith Old Brewery (Tadcaster) & Ors v North Yorkshire County Council [2020]*) and states that openness does not imply freedom from any form of development, an assessment in this regard is a fundamental requirement of Green Belt policy and it is considered that the scale of the extensions would harm openness in both a visual and physical sense.

Other considerations

12. 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.
13. In this regard, the appellant opines that the proposal would not harm the character of the dwelling or area, would restore some form of balance to the pair of semi-detached cottages and would adhere to Policies 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.
14. I appreciate that the neighbouring property at No.3 Hadham Park Cottages features large side extensions, 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. There is no imperative to have a balanced façade, and, in any event, the proposed extension would not mirror the extensions to No.3 in scale and would not result in a symmetrical arrangement. Rather, it would further elongate the pair of dwellings. This consideration therefore does not lend any significant weight in support of the proposal.
15. The proposal would enable the modernisation of the dwelling and create additional space. However, although it may not meet the needs of all occupants, particularly larger families, the existing two-bedroom dwelling provides an adequate standard of accommodation and is not inherently unfit for habitation; it is simply a modest property. Personal circumstances will seldom outweigh more general planning considerations. Therefore, a personal need for more space is not a matter that attracts significant weight in favour of the proposal.

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 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