



Appeal Decision

Site visit made on 18 October 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 Appeal Decision

Appeal Ref: APP/J1915/D/21/3288882

Riverview, Unadopted Track East from Ware Park Road to Mill House, Ware Park, Ware SG12 0EA

- 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 Lenny Greenham against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2129/HH, dated 12 August 2021, was refused by notice dated 7 October 2021.
 - The development proposed is described as an entrance porch to side and wall with gate to front elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The name of the appellant differs from the name given on the application form, however it has been clarified that they are the same person. I am therefore proceeding with the appeal on this basis.
3. The proposed development is described on the application form as 'Proposed new porch'. This was subsequently amended by the Council to include a proposed wall with gate that is indicated on the submitted plans, and is also referred to within the appellant's evidence. Consequently, I have used the Council's description of the development as it more accurately reflects the proposal.

Main Issues

4. The main issues are:
 - Whether the development 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 development 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

Whether inappropriate development

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. One such exception is 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.
6. Policy GBR1 of the East Herts Local Plan (LP) advises that the planning applications in the Green Belt will be considered in line with the provisions of the Framework, but does not provide any further guidance on how to assess whether an extension would constitute a disproportionate addition.
7. The appeal dwelling was granted planning permission as a separate dwelling in 2014¹ and that forms the 'original dwelling' for the purposes of assessing whether the proposal would be a disproportionate addition or not. The appeal dwelling currently hosts a single storey rear extension. There are also a number of detached structures within the appeal site, including a detached double garage.
8. It is the Council's position, which is not disputed by the appellant, that the detached garage, together with the single storey rear extension should both be considered as additions to the original building for the purposes of determining whether or not the appeal proposal would be a disproportionate addition. Whilst each circumstance will differ, the proximity of, and functional association of the existing detached garage with the appeal dwelling leads me to conclude that the Council's approach is a reasonable one.
9. The Council state that the original building had a footprint of around 62 square metres (sq.m) and an overall floorspace of around 119sq.m. The Council also state that the subsequent single storey rear extension, together with the detached garage extended the overall footprint to around 127sq.m and floorspace to 183.9sq.m. These figures have not been disputed by the appellant, and I have therefore used them to inform my reasoning.
10. The level of additions that have already taken place amount to substantial additions to the property, effectively doubling the footprint and substantially increasing the overall floorspace, as well as introducing additional volume and built form. Taken together, the previous and proposed increases in footprint and volume would amount to a substantial addition to the property, and one which I find would be disproportionate over and above the size of the original building.
11. Consequently, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with LP Policy GBR1, and the provisions of the Framework.

¹ 3/14/0980/CL

Openness

12. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Although located at the edge of a secluded cluster of properties, the appeal property is clearly visible from the adjacent highway and Public Right of Way. Notwithstanding other nearby dwellings or the existence of other detached outbuildings and structures within the vicinity of the appeal site, the openness of the Green Belt is clearly evident around the property and the wider area.
13. At present, the existing separation between the appeal dwelling and the detached garage means that they appear as separate structures with a gap between them, and this contributes to the openness of the Green Belt. The proposed porch, and to a greater extent, the proposed wall of solid construction would result in the loss of this gap and would consolidate development on the site. In doing so, it would result in a harmful loss of openness, albeit this would be limited given the scale of the proposal. Nevertheless, the harm to Green Belt openness weighs against the proposal.

Other considerations

14. There are a number of other properties in the vicinity, and some appear to have been extended, and also host a variety of garden and other detached structures. I have not been presented with precise details of these examples, whether they are lawful or where applicable, the circumstances in which permission was granted. The appeal site, being located at the end of this cluster of properties has a generally more open aspect than some nearby properties, so the circumstances of the site and the harm that would result from the appeal proposal would not be directly comparable with the circumstances of nearby dwellings. As such, they have not been determinate in my assessment of the appeal.
15. The proposed development would allow the provision of a downstairs toilet for the appellant and his wife as they approach retirement age. However, I have not been made aware of any particular current circumstances that require further consideration, or what the consequences would be if the appeal is dismissed. For these reasons, and although it would be advantageous generally to improve the accessibility of the house, I can only attach limited weight to the need for and benefits of the proposed development for the appellant and his wife, and any future occupiers with mobility impairments.
16. The appellant has advised that the wall could be omitted from the development if necessary. However, the proposed wall runs flush with the front wall of the porch on the plans before me, and the two elements are not severable. As such, a split decision would not be possible in this case.

Conclusion

17. In summary, the proposal would be inappropriate development in the Green Belt in the terms set out by the Framework and would result in a harmful loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt.
18. For the reasons set out above the harm to the Green Belt would not be clearly outweighed by the other considerations and, therefore, the very special circumstances required to justify a grant of planning permission have not been

demonstrated. The proposed development would be contrary to LP Policy GBR1, and there are no material considerations that indicate a decision should be taken other than in accordance with the development plan. Consequently, the appeal is dismissed.

C Harding

INSPECTOR