



Appeal Decision

Site visit made on 13 December 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 January 2023

Appeal Ref: APP/J1915/D/22/3301561

Hill View, London Road, Spellbrook, Hertfordshire CM23 4AU

- 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 Paul Chinnery against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/0632/HH, dated 24 March 2022, was refused by notice dated 19 May 2022.
 - The development proposed is a proposed side porch, loft conversion and raising the ridge.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues relevant to this appeal are:
 - Whether the development is inappropriate in the Green Belt and the effect on openness;
 - The effect of the development upon the character and appearance of the surrounding area; and
 - if the development is inappropriate, 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 the development.

Reasons

Whether inappropriate development and effect on openness

3. The appeal site is located in the Green Belt. In considering this appeal, I have been directed towards Policy GBR1 of the East Hertfordshire District Plan (2019) (the District Plan). Amongst other matters, this requires that planning proposals be considered in line with the provisions of the National Planning Policy Framework (the Framework).
4. The Framework regards the erection of new buildings in the Green Belt as generally being inappropriate. There are some exceptions to this which are listed in Paragraph 149 of the Framework. Amongst other matters, this suggests that an extension may be not be inappropriate providing it is not a disproportionate addition to the original building.

5. In this case, the original building consists of a bungalow, which encompasses a relatively large section of the site's width. Although the appeal site is of a large size, the dwelling had a narrow depth. This means that the dwelling originally had relatively modest proportions. The dwelling has previously been enlarged through the provision of a single-storey rear extension. This has significantly added to the size of the original dwelling.
6. The proposed development would result in the erection of a side porch. This would be greater in area than the existing porch and would create a dwelling of an increased size. This would be in conjunction with the existing extension to the rear of the building.
7. In addition, the proposed development would result in an increase in the height of the dwelling by reason of the change in the roof shape of the dwelling. In addition, the proposed development would add to the size of the dwelling. These proposed elements, in conjunction with the existing extension, would create a much larger dwelling than is currently the case. Although some of this increase would be in the roof of the dwelling, it would result in a notably larger dwelling.
8. In particular, the proposed development would result, in conjunction with the existing extension, in a dwelling with a footprint much larger than what was originally constructed. In addition, the proposed development would, by reason of the increased height and massing of the roof extensions, result in a dwelling with a significantly larger mass than what was originally constructed.
9. In result, the proposed development would result in the creation of disproportion additions to the original building given that it would appear to be far larger than the original structure. In consequence, the proposed development would be a disproportionate addition to the dwelling and would be an inappropriate development in the Green Belt. Although the proposed porch may not have a large footprint, it would; in conjunction with other elements; create a disproportionate addition to the original dwelling.
10. By reason of the nature of the proposed development, there would be a noticeable increase in the overall level of built form. This would mean that the spatial sense of openness is an intrinsic feature of the Green Belt would be eroded. This would occur even though the proposed development would be sited in the curtilage of the appellant's dwelling.
11. The appeal site is located in between two larger dwellings. The proposed development, by reason of the increased height of the dwelling and erection of the side porch would result in an enclosing effect between the two existing, neighbouring dwellings. This increase in built form would be readily perceptible from the nearby road, in addition from neighbouring properties.
12. In addition, the proposed development, including the rear dormers would be visible from the rear gardens of the neighbouring properties. These factors, in unison, would mean that the proposed development would result in an erosion of the physical sense of openness in the Green Belt.
13. The purposes of including land in the Green Belt are summarised in Paragraph 138 of the Framework. Owing to the scale of the proposed development, and the resultant erosion of the Green Belt's physical and spatial sense of openness, the proposed development would create a more urbanised form of

- development. This therefore results in encroachment into the countryside. The proposed development therefore conflicts with the Framework in this regard.
14. It has been suggested that the proposal does not result in the creation of a new building. However, the proposal would significantly change the appearance of the dwelling from what was originally constructed. In addition, the proposed development would result in a building with a different style of architecture than which is currently the case. In consequence, I consider that it can accurately be described as a new building. Therefore, for the preceding reasons, the development would be an inappropriate development in the Green Belt.
 15. It has also been suggested that the proposal represents the redevelopment of previously developed land. Even if I were to agree with this approach, the Framework at Paragraph 149(g) is in that any developments that falls within this category should not have a greater effect on openness than what is currently the case.
 16. For the preceding reasons, the proposed development would result in a greater adverse effect upon openness than the original dwelling. Therefore, the proposed development cannot be a not inappropriate development in the Green Belt under the provisions of this section of the Framework.
 17. I therefore conclude that the proposed development would be an inappropriate development in the Green Belt and would erode the Green Belt's sense of openness. The development, in this regard, would conflict with the requirements of District Plan Policies GBR1 and the Framework. Amongst other matters, these seek to ensure that developments are assessed in line with the Framework; that inappropriate developments in the Green Belt are avoided; and those developments maintain the Green Belt's sense of openness.

Character and appearance

18. The appeal side consists of an existing dwelling located in a line of other dwellings. These buildings are generally constructed to varying designs and proportions. The appellant's dwelling occupies most of the width of the appeal site, which means that the rear elevation is not readily visible from public viewpoints. However, the rear elevation is viewable from the gardens of neighbouring properties.
19. The proposed development would include an increase in the height of the dwelling and the installation of a new dormer window on the rear elevation roof slope. Although this dormer window would run for a notable portion of the roof slope, it would be set in from the edges of the roof. Furthermore, the proposed dormer would be lower than the ridge height of the roof slope and set upwards from the eaves.
20. In consequence, the proposed dormer window would be a subordinate addition to the dwelling and would not dominate the roof slope of the dwelling owing to the visibility of sections of roof slope around the dormer window.
21. Although the proposed development would result in an increase in the height of the dwelling, it would be viewed alongside several dwellings of differing designs and proportions. In result, the proposed development would not erode any character of uniformity within the surrounding area.

22. The proposed dormer windows would also be visible from the gardens of the neighbouring properties. However, these dormer windows would be viewable alongside other dwellings that feature dormer windows of differing designs. Therefore, the proposed dwelling would not be unusually incongruous or discordant.
23. In addition, views of the proposed dormer windows would be obscured, in part, by the projecting rear elements of the existing extension. Therefore, the dormer windows would not be prominent in the surrounding area.
24. In addition, had I been minded to allow this appeal, I could have imposed a condition that would have controlled the materials from which the development would be constructed from. This would have provided a further mechanism that could be utilised to ensure that the proposed development would harmonise with the character of the wider area.
25. I therefore conclude that the proposed development would not have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would comply with Policies DES4 and HOU11 of the District Plan. Amongst other matters, these seek to ensure that developments must be of a high standard of design; and appropriate to the character, appearance and setting of the existing dwelling and/or the surrounding area.

Other considerations

26. The proposed development would result in improved living conditions for the appellants and their family. Although this is a matter of note, it has not been demonstrated that the appeal scheme is the only way in which this might be achieved. In result this can only be attributed to a limited amount of weight.
27. The development process is likely to generate some economic benefits. However, such benefits are likely to be small scale, time limited in impacts and also of a local nature. Therefore, they are unlikely to be particularly large and, in consequence, can only be attributed a small amount of weight.
28. My attention has been drawn to previous planning decisions elsewhere. I do not have full information regarding the planning circumstances of these, which means that I can only give them a limited amount of weight. Nonetheless, I note that these are located in different locations to the appeal site. In result, these differences in contexts mean that they are likely to have different effects upon the Green Belt. In result, the presence of developments elsewhere do not enable me to forego my previous conclusions. I therefore give these matters a limited amount of weight.

Planning Balance and Conclusion

29. The development plan and Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
30. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. In so doing I have found harm

to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.

31. The other considerations I have identified individually and collectively carry a limited amount of weight in favour of the proposal. As such the harm to the Green Belt is not clearly outweighed by the other considerations identified, and therefore the very special circumstances necessary to justify the development do not exist.
32. Although I have concluded that the proposed development would not harm the character and appearance of the surrounding area, this is outweighed by the previously identified harm to the openness of the Green Belt. This would arise from its inappropriateness.
33. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR