
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/22/3292308

Margray, London Road, Spellbrook CM23 4BA

- 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 Ms Gemma Lonsdale against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2382/HH, dated 13 September 2021, was refused by notice dated 28 November 2021.
 - The development proposed is Demolition of existing extensions and erection of a two-storey side extension, single-storey front extension, single storey rear extension, and roof extension including rear facing dormer window.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site visit was originally intended to be an 'access required' visit. However, I was unable to gain access to the site. Notwithstanding this, I was able to view the relevant matters without accessing the site and have therefore proceeded on this basis.

Main Issues

3. The main issues relevant to this appeal are:
 - whether the proposed development would be inappropriate in the Green Belt;
 - the effect of the development upon the openness of the Green Belt;
 - 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

4. 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).

5. 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 not be inappropriate providing it is not a disproportionate addition to the original building.
6. The appellant's dwelling consists of a semi-detached house, with a projection to the site. It is proposed that this be replaced by the proposed side extension, which would also include a front projecting element. In result, the proposed development would create an elongated dwelling, with a significantly greater footprint and mass than what is currently the case.
7. In reaching this view, I have also noted that the proposed extension would have a significant height. Given the similarities between the extension and the original dwelling, the proposed extension would appear a disproportionate addition to the dwelling.
8. I therefore conclude that the proposed development would represent a disproportionate addition to the original dwelling. It therefore represents an inappropriate development in the Green Belt. The development, in this regard, conflicts with District Plan Policy GBR1 and the Framework.

Effect on openness

9. The appeal site consists of a semi-detached dwelling located in a predominantly residential area. The dwelling is surrounded by garden areas. A notable feature of the appeal site and the surrounding area is the presence of less developed spaces around dwellings. This creates a more open character.
10. Although the appeal site contains an existing projecting element to the side of the property, the proposed development would result in a significantly larger dwelling owing to the height and width of the proposal. Therefore, the proposed extension would result in a diminished amount of space to the side of the dwelling.
11. In result, the proposed development would create a more urbanised character owing to there being less open space surrounding the dwelling. By reason of these factors, the proposed development, and resultant loss of open space, would be visible from several different vantage points in the surrounding area.
12. These points include the road to the front of the appeal site, the access road that runs to the side of the appeal site and some of the neighbouring dwellings. In consequence, the effects of the proposed development would be particularly apparent from the wider surrounding area. This means that the proposed development would result in an erosion of the physical sense of openness in the Green Belt.
13. In addition, the proposed development would result in a much larger dwelling than is currently the case. This means that the amount of space around the dwelling would be reduced. Therefore, the proposal would result in an erosion of the spatial sense of openness that is a feature of the Green Belt. This would occur even though the surrounding area includes other open areas.

14. 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.
15. I therefore conclude that the proposed development would have an adverse effect upon the openness of the Green Belt. The development, in this regard, would conflict with the requirements of District Plan Policy GBR1 and the Framework. Amongst other matters, these seek to ensure that developments are assessed in line with the Framework; and maintain the Green Belt's sense of openness.

Character and appearance

16. The appellant's dwelling is a semi-detached house located in a predominantly residential area. A notable feature of the appeal site and other properties in the surrounding area is the presence of open areas near to dwellings. This creates a more open character.
17. In addition, as a semi-detached building, the appellant's dwelling features a significant degree of symmetry between it and the adjoining house. This occurs even though the two houses are constructed from different coloured materials.
18. The proposed development would feature a large two-storey side extension. This would have a height comparable to the original dwelling. Whilst the front elevation of the extension would be set back from the front elevation of the main dwelling, the degree of difference would be relatively small. This means that the proposed extension cannot be considered to be a subordinate addition to the main dwelling.
19. In result, the proposed extension would create an elongated dwelling that would conflict with the sense of symmetry between the appeal site and the adjoining dwelling. In addition, the proposed development would conflict with the character of open space that is a feature of the appeal site and the neighbouring dwelling. Therefore, the proposed development would be detrimental to the character of the surrounding area.
20. Furthermore, the proposed extension would feature a projecting element on the front elevation. This would therefore disrupt the linear form of development that is a feature of the appeal site and the neighbouring dwelling. Therefore, the proposed development would be an incongruous addition to the vicinity.
21. These matters are of concern due to the general prominence of the appeal site. In addition to views from neighbouring properties the proposal is also visible from several different vantage points in the surrounding area. This would render the proposed development a strident and incongruous addition to the locality.
22. My attention has been drawn to developments elsewhere. I do not have the full information regarding the planning circumstances of this before me, which means that I can only give them a limited amount of weight.
23. Nonetheless I note that each of them has a differing design and therefore the effects on the character and appearance of the surrounding area naturally differ. In particular, the neighbouring dwellings have designs and forms that

allow for the retention of the area's open character. In result, this means that the presence of developments elsewhere does not allow me to disregard my previous concerns.

24. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict 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

25. 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.
26. 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.

Other Matters

27. The proposed development is unlikely to have an adverse effect upon the highway system and that a suitable sized garden is available for the occupiers of the dwelling. Whilst these are matters of note, they are only some of the matters that must be considered and therefore do not outweigh my findings in respect of the main issues.

Planning Balance and Conclusion

28. 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.
29. 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.
30. 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.
31. 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