



Appeal Decision

Site visit made on 4 January 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2023

Appeal Ref: APP/C1570/D/22/3299505

Woodland View, Latchmore Bank, Little Hallingbury CM22 7PE

- 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 Henry Hellett against the decision of Uttlesford District Council.
 - The application Ref UTT/22/0599/HHF, dated 23 February 2022, was refused by notice dated 16 May 2022.
 - The development proposed is a ground floor extension and first floor roof extension with pitched roof dormer window.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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; 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

3. The appeal site is located in the Green Belt. The National Planning Policy Framework (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.
4. The existing dwelling consists of a detached house surrounded by a garden. However, the existing dwelling has previously been extended through the provision of a single-storey extension. Given that the assessment on whether a proposed extension is disproportionate is based on the size of the original dwelling, I must have regard to this extension in my assessments.

5. Therefore, the proposed development, in conjunction with the existing extension would result in a house that would have significantly greater mass and footprint than what was originally constructed. Therefore, within this regard, the proposed development would result in a disproportionate addition to the dwelling.
6. Given that there is no evidence before me that challenges the percentage increases in the size of the building as suggested by the Council, the proposed development would therefore result in a notable, and disproportionate addition to the original dwelling.
7. It has been suggested that the proposed development reflects the proportions of a nearby, neighbouring dwelling. Whilst I have noted this, I am mindful that the assessment of whether a proposed extension is a proportionate addition should be made against the proportions of the dwelling as originally constructed, rather than any neighbouring dwelling. Therefore, this matter does not outweigh my previous concerns.
8. I therefore conclude that the proposal represents an inappropriate development in the Green Belt for it would not meet any of the exceptions of not inappropriate development listed in the Framework.

Effect on openness

9. The appeal site contains a detached dwelling with a relatively large garden. To the rear of the appeal site is the A1060. To the front of the appeal site is a lane. The boundaries of the appeal site are generally marked by hedges. The appeal site and the surrounding area features a varied topography.
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 that is an intrinsic feature of the Green Belt would be eroded.
11. The proposed development would result in a much larger dwelling that was originally constructed. These extensions, including a dormer window, would in unison with the existing extension result in a significantly larger and bulky dwelling than was originally constructed. The proposed development would also result in a dwelling with a notably greater height than the original dwelling. In consequence, the proposed development would result in an enclosing effect upon the Green Belt.
12. This is a particular concern given that the proposed development would be readily perceptible from neighbouring properties, in addition to the nearby lane to the front of the appeal site. This would occur as the varied topography of the vicinity means that the development would be viewable over the height of the site's boundary treatments.
13. In result, the proposed development would be readily perceptible from the wider area. In addition, the proposed development would be seen from some viewpoints on the A1060. Whilst such views are likely to be from moving vehicles and, therefore fleeting in nature, the development would be perceptible.
14. In reaching this view, I have had regard to the site's boundary treatments. Although the planting contained in the boundaries would provide some

screening, the screening effect is only partial. Furthermore, the overall level of screening is likely to vary depending on health. Therefore, there is a likelihood that the development is likely to become more prominent over time.

15. The proposed development would result in a dwelling of a similar size to a neighbouring dwelling. Nonetheless, the proposed development, in conjunction, with an existing extension would result in an overall increase in the level of built form, with a resultant reduction in the overall level of openness. Therefore, the presence of dwellings elsewhere does not allow me to disregard my previous concerns.
16. 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.
17. I therefore conclude that the proposed development would have an adverse effect on the level of openness of the Green Belt. The development, in this regard, would conflict with the requirements of Policy S6 of the Uttlesford Local Plan (2005) (the Local Plan) and the Framework. Amongst other matters, these seek to ensure that developments are compatible with the countryside setting and purposes of the Green Belt; and that the openness of the Green Belt is retained.

Other considerations

18. 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 a limited amount of weight.
19. 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

20. The proposed development is unlikely to be visible from the nearby street of Church Road. Whilst this is a matter of note, it does not overcome my findings in respect of the main issues.
21. Concerns regarding the manner in which the Council considered the planning application fall outside of the scope of this decision.

Planning Balance and Conclusion

22. 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.

23. 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.
24. 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.
25. 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