



Appeal Decision

Site visit made on 13 December 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

Appeal Ref: APP/J1915/W/22/3302171

Mountfitchet, High Wych Road, High Wych CM21 0HX

- 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 and Mrs Ryan against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/3035/FUL, dated 6 December 2021, was refused by notice dated 4 May 2022.
 - The development proposed is demolition of dwelling and erection of detached replacement dwelling with detached garden annexe.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area, and;
 - Whether the 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.

Background Information

3. Having regard to Paragraph 149 of the National Planning Policy Framework ('the Framework'), both parties agree that the proposed development would amount to inappropriate development in the Green Belt. Based upon the evidence before me, I have no reason to reach a different conclusion.
4. I have therefore considered this appeal in the context of Paragraphs 147 and 148 of the Framework which state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Reasons

Openness

5. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The existing dwelling situated on the appeal site is a modest bungalow, with hipped roof and a single storey rear extension. The proposed replacement dwelling would be two storeys in height and be of significantly greater mass and volume.
6. Despite the presence of existing trees and vegetation, the introduction of a two-storey dwelling of the scale of the proposed development into this space would result in a significantly harmful loss of openness, both spatially and visually. This would lead to conflict with Policy GBR1 of the East Herts Local Plan (LP) which states that planning applications in the Green Belt will be considered in line with the provisions of the Framework, and Paragraph 137 of the Framework, which states that the fundamental aim of the Green Belt is to keep land permanently open.

Character and Appearance

7. The proposed development would be of a modern design, with an angular form to both layout and roofscape. It would be set within a relatively narrow plot in a mid-street location between existing buildings. Other dwellings in the street are predominantly either modest bungalows or larger two storey properties. Although there is some variation, generally they are of traditional design, materials and proportions, even where more modern development exists.
8. The introduction of the proposed development onto the appeal site, where it would sit between, and in close proximity to existing buildings of a markedly more traditional design and form, would fail to reflect the context within which it would sit, or the distinctiveness of the local area. Consequently, although screened to some extent by vegetation, and set back from the road to a degree, it would comprise a jarring visual feature within the street.
9. I therefore conclude that the proposed development would harm the character and appearance of the area. Consequently, it would be contrary to LP Policies DES4 and VILL2, which together, and amongst other criteria, require new development to be well-designed, be in keeping with character of the settlement and reflect local distinctiveness. The Council has also referred to conflict with LP Policy HOU11, however, this policy relates to extensions to existing dwellings and buildings, and not new dwellings as is proposed here. I therefore consider this policy to be of little relevance to this appeal.

Other considerations

10. My attention is drawn to two potential fallback positions. The first¹ comprises a scheme amounting to a single storey rear extension, for which the Council determined that prior approval was not required. The other² relates to a side extension, porch, outbuilding and roof alterations which the Council determined would comprise lawful development. There is no dispute between the parties that both fallback positions could be implemented together, and that there is a

¹ 3/21/1113/PNHH

² 3/21/0337/CLPO

greater than theoretical prospect that the fallback positions would be implemented. I have therefore considered this issue on this basis.

11. However, the parties disagree with regards to the effect that these developments would have upon the Green Belt in comparison to the appeal scheme before me. The appeal proposal would represent a reduction in footprint, floorspace, and volume over the fallback position. However, the difference in floorspace and volume, on the basis of the appellant's figures would be very minor at 0.42% and 3.69% respectively. The difference in footprint would be larger but would still amount to only around a 14% reduction. Although in the consideration of effects upon the Green Belt with regard to the spatial aspect of openness, the appeal scheme may appear to be preferable to the fallback position, it would not be significantly so. Furthermore, the visual aspects of openness also require consideration.
12. The appeal proposal would result in a building of greater height than the fallback position, and despite the varied roofline and intervening vegetation, would appear, when viewed from public vantage points as a structure of greater bulk and massing than that which would result from the fallback position. Although the alterations that would be undertaken to the existing dwelling in implementing the fallback position would enlarge the property, the essential basic scale and character when viewed from the street would remain. In these terms, the appeal scheme would not be less harmful than the fallback position.
13. I therefore conclude that the appeal scheme would not be less harmful than the fallback position. I therefore attach only modest weight to the fallback position in my considerations.

Conclusion

14. 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. It would also result in harm to the character and appearance of the area.
15. For the reasons set out above, the harm to the Green Belt, along with the harm that I have identified would not be clearly outweighed by the other considerations. Therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated.
16. The proposed development would be contrary to LP Policies GBR1 DES4 and VILL2, 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