
Appeal Decision

Site visit made on 6 February 2023

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2023

Appeal Ref: APP/J1915/D/22/3306358

**Dene Orchard, 5 Little Berkhamsted Lane, Little Berkhamsted,
Hertfordshire, SG13 8LU**

- 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 Laurie Merry against the decision of East Hertfordshire District Council.
 - The application Ref. 3/22/0867/HH, dated 22 April 2022, was refused by notice dated 30 June 2022.
 - The development is a first-floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first-floor rear extension at Dene Orchard, 5 Little Berkhamsted Lane, Little Berkhamsted, Hertfordshire, SG13 8LU in accordance with the terms of the application, Ref. 3/22/0867/HH, dated 22 April 2022.

Preliminary Matter

2. The first-floor extension the subject of this appeal had already been completed by the time of my site visit and retrospective planning permission is being sought. I have considered the appeal on this basis.

Main Issue

3. The main issues are:
 - (a) whether the extension is inappropriate development in the Green Belt and the effect on openness;
 - (b) whether the extension would preserve or enhance the character or appearance of the Little Berkhamsted Conservation Area;
 - (c) 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

4. The appeal site falls within the Hertfordshire Green Belt, where Policy GBR1 of the East Herts District Plan (2018) advises that planning applications will be

considered in line with the provisions of the National Planning Policy Framework (the Framework).

5. The Government attaches great importance to Green Belts, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open. The Framework advises that new buildings in the Green Belt should be regarded as inappropriate development, subject to a number of express exceptions. Inappropriate development is, by definition, harmful to the Green Belt.
6. Provision is made, amongst the listed exceptions to inappropriate development, for 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.
7. The dwelling on the appeal site has been altered and extended a number of times and is no doubt somewhat larger than the original. However, there is disagreement between the parties as to the extent of the additions.
8. The Council suggests an 82% increase in footprint but does not explain how this figure has been reached. Nor is footprint alone a particularly useful measure in understanding any increase in mass to the building or its effect on openness. The appellant suggests a lower figure, having regard to plans of the building, and so there is uncertainty about the extent of previous extensions, though there is no doubt that sizeable additions have been made.
9. Whether an extension to the original building is disproportionate, along with previous extensions and alterations, is ultimately a matter of planning judgement. The Council does not refer to any adopted local policies or guidance that indicate what scale of addition is generally considered suitable in East Hertfordshire.
10. I note that large extensions have been added in the past and that there are a number of garden buildings and structures. However, the dwelling occupies a very large and well-landscaped garden. It stands in a settlement that is characterised by large dwellings, within a defined 'built up area'.
11. There is little information before me about the design and form of the original building, but even having regard to previous extensions and alterations, the proposed extension at less than 10sqm does not 'tip the scales' or result in the additions being disproportionate in their context. It is a first-floor addition over an existing flat roofed extension, such that it has little visual impact or mass. It is very well related to the existing built form on site and so its effect on openness is negligible.
12. Ultimately, having found that the extension would not be disproportionate, it is manifestly suitable in the Green Belt, given that it falls within the Framework's exceptions to inappropriate development. Consequently, I find no conflict with Policy GBR1 of the East Herts District Plan.

Conservation area

13. The appeal site falls within the Little Berkhamsted Conservation Area and so I have had special regard to section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The first-floor rear extension is a modest addition to the property that appears subordinate and utilises matching

materials. The Council considers that the character and appearance of the conservation area has been preserved and I am inclined to agree.

Conditions

14. I note the Council's suggested conditions to stipulate the time period for commencement of development, identifying the approved plans and requiring the use of matching materials. However, as I have set out, the development has already been undertaken in accordance with the plans submitted and is acceptable in its completed form. As such, there is no requirement for any conditions.

Conclusion

15. The development is not inappropriate and would not harm the Green Belt. As such, I find no conflict with the Framework or the development plan.
16. In light of the above, the appeal is allowed.

Michael Boniface

INSPECTOR