



Appeal Decision

Site visit made on 14 February 2023

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 27th February 2023

Appeal Ref: APP/J1915/D/22/3308007

82 Cappell Lane, Stanstead Abbots, Hertfordshire SG12 8BY

- 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 Mrs Veronica Brayshaw against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1012/HH, dated 13 May 2022, was refused by notice dated 12 July 2022.
 - The development proposed is *"removal of single storey side extension, new double storey side extension, and change to fenestration at rear"*.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in the appeal are:
 - whether the proposed extension and alterations would amount to 'inappropriate development' in terms of Green Belt policy;
 - if so, the development's effect on the Green Belt's openness;
 - whether any harm to the Green Belt 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 such development in the Green Belt.

Reasons for decision

'Inappropriateness'

3. The appeal property is a semi-detached house, set within a cluster of houses along Cappell Lane, just outside the main village of Stanstead Abbots. The area is within an area of Green Belt (the GB), as defined on the East Hertfordshire District Policies Map. In the East Herts Local Plan (the EHLP), adopted in October 2018, Policy GBR1 requires that proposals for development in the GB are determined in accordance with the relevant policies of the National Planning Policy Framework (the NPPF).
4. NPPF paragraph 147 states that development which is 'inappropriate', in GB policy terms, is harmful to the GB by definition, and should not be approved except in very special circumstances. Paragraph 148 requires that any harm to the GB is given substantial weight. The same paragraph defines 'very special circumstances' as existing only where the harm, including harm to the GB by reason of inappropriateness, is clearly outweighed by other considerations. Paragraph 149 makes clear that the construction of new buildings in the GB is

to be regarded as inappropriate, unless the development falls within one of various specified exceptions. Of these, the most relevant to the present appeal is (c), which relates to the extension or alteration of an existing building; however, this is subject to the proviso that the development does not result in disproportionate additions, over and above the size of the original building.

5. In the present case, it is agreed between the appellant and the Council that the relevant floorspace figure for the original building on the site, as at the relevant date in 1948, was 106.5 sq m. This total was made up of 46.4 sqm on the ground floor, 37.1 sq m at first floor level, and 23 sq m in the attic. Subsequent extensions and alterations have added around a further 21.5 sq m, but these would be largely replaced by the development now proposed, and thus do not significantly affect the calculation.
6. The proposal would add a new kitchen/family room and utility room at ground floor level, with a new master bedroom and ensuite bathroom above. These would effectively form a new 2-storey wing, with its own separate pitched roof, connected to the existing house by a one-and-a-half storey link. Compared to the position in 1948, this would almost double the ground floor accommodation to 92 sq m, and would increase the first floor by just over 80%, to 67 sq m. Only the attic floor would be unchanged. Overall, the new total floorspace of 184 sq m would represent about a 73% net increase over the original building. Again these figures are not in dispute. Volume-based figures are not before me, but it seems likely that the percentage increase would be broadly similar to the floorspace-based calculation. To my mind, an increase on this scale would be clearly disproportionate.
7. Planning policy does not define the meaning of 'disproportionate', and does not limit that question simply to a matter of mathematics. However, it would be illogical in my view to disregard the obvious, quantitative dimension of the before-and-after comparison which is required. I note the contents of the Guildford appeal decision¹, in which an increase of 72% was found not to be disproportionate. But in that decision it is clear that the inspector took account of the percentage increase, even though she found this not to be decisive, due to other, site-specific factors. In particular, that development was to be sited between two existing rear projections, with no extension of the built form beyond the existing built envelope. The present appeal proposal clearly differs in this regard. Based on the evidence before me, including my observations on site, I am satisfied that in this case a floorspace comparison with the original dwelling is the most appropriate basis on which to make my assessment.
8. The appeal property has a large garden, and I agree that, even with the new extension now proposed, the size of the dwelling would still take up only a minor proportion of its plot. But the exception in NPPF paragraph 149(c) requires proportionality to be judged in relation to the building, not the site.
9. A number of other properties in Cappell Lane have carried out substantial side extensions, and I was able to view these on my visit. However, there is no indication as to whether any of these were considered not to be inappropriate development in GB terms. In coming to my conclusions, I have taken account of the development plan and national policy as they stand now, together with the evidence submitted.

¹ APP/Y3615/W/18/3202309

10. I conclude that the development now proposed would be disproportionate to the original building on the site, and thus would not fall within any of the relevant exceptions in NPPF paragraph 149. As such, the proposal would constitute inappropriate development in terms of GB policy.

Openness

11. NPPF paragraph 137 states that openness is one of the essential characteristics of GBs, and that keeping land permanently open is a fundamental aim of GB policy.
12. The existing kitchen extension, which is to be demolished and replaced, is a diminutive, single-storey side addition, with a lean-to roof. Visually, this existing structure is inconspicuous, due to its small size, its lack of height, and its recessive, unassuming design. As a result, its effect on the openness of the GB is negligible. In the appeal proposal, the new extension which would replace this would have a footprint covering about three times as large an area, with two storeys throughout, a dual-pitched roof, and gables to both the front and rear. In all these respects, the proposed scheme would give rise to a substantial net addition to the amount of built development on the site, and would also give the property a noticeably more assertive and dominant appearance than it has now. The overall effect would be to significantly reduce the openness of this part of the GB, both spatially and visually.
13. The development would be positioned between the house and the existing detached garage/car port. But the latter is single-storey and is set back further into the site. The garage would therefore have little effect in terms of reducing the visual impact of the 2-storey extension that is now proposed. I also saw on my visit that views across the site from Cappell Lane are largely unobstructed by any of the existing trees. In any event, my assessment takes account of both the visual and the spatial aspects of openness, and for the reasons set out above, I consider that in this case the loss of openness would involve both of these aspects.
14. The new extension would be set down slightly, below the level of the main dwelling, and I agree that this would reduce its impact to a minor degree. But the existing kitchen extension is also set at that same lower level. The comparison that I have made above, between the existing and proposed extensions, in terms of their respective effects on openness, takes the ground levels into account.
15. I have taken account of the *Lea Valley* judgement², but that case related to development which was found not to be inappropriate.
16. I conclude that the proposed development would result in significant harm to the GB's openness, contrary to the aims of national policy. The harm resulting from the loss of openness adds to the harm to the GB due to inappropriateness.

Other matters

17. The proposed scheme has been designed to match the size and style of the extensions carried out to the attached property, No 84, thus restoring a degree of symmetry and balance to the semi-detached pair. But nevertheless, the

² *Lea Valley Regional Park Authority v Epping Forest DC and anor* [2016] EWCA Civ 404

appeal property in its existing form is a distinctive and characterful building, which contributes positively to its surroundings. The lack of symmetry does not seem to me to detract noticeably from this. Likewise, the existing lean-to extension, which is proposed to be removed, is in my view nothing more than a modest and subservient feature, which currently causes no significant harm. Indeed, the building's only discordant feature of any note is in my view the existing, over-large side dormer; but this would remain in place, and would continue to be visible. Overall, whilst I agree that the design of the proposed scheme would not be unacceptable, neither do I consider that it would represent an improvement over the existing situation.

18. Whilst the site lies within the Stanstead Abbots Conservation Area, the Council is satisfied that the development would preserve the area's character and appearance, and its special architectural and historic interest. In the light of the design considerations discussed above, I agree.
19. The development would improve the appeal property by creating additional space for the occupiers. However, the dwelling in its current form offers two reception rooms, three bedrooms, a kitchen and a bathroom. Whilst this existing accommodation is not large, there is no suggestion that living conditions are unacceptable as it stands. The scheme would also provide a more convenient modern staircase, to avoid reliance on the original steeper and narrower one. But an extension of the size now proposed is not necessary to achieve this. Consequently, the scheme's benefits in these respects carry limited weight.

'Very special circumstances'

20. As set out above, harm would be caused to the GB, both by reason of inappropriateness, and through the loss of openness. In accordance with NPPF paragraph 148, this harm to the GB must carry substantial weight.
21. Against this, the improvement to the quality of the accommodation, including the new stair, would be a benefit arising from the scheme. But, in this case, for the reasons already explained, I have found this to carry limited weight. No other benefits have been substantiated. The design considerations, and the lack of harm to the Conservation Area, weigh neither for nor against. All of the remaining matters raised are similarly neutral.
22. Having regard to the relevant NPPF paragraphs, the benefits and other considerations identified do not clearly outweigh the harm. The 'very special circumstances' needed to justify the development have therefore not been demonstrated.

Conclusion

23. In the absence of very special circumstances, the proposed development conflicts with the GB policies of the NPPF, and therefore also with EHLP Policy GBR1. The other considerations identified are not of sufficient weight, either individually or collectively, to indicate any decision other than in accordance with the development plan. For these reasons, the appeal fails.

J Felgate

INSPECTOR