



Appeal Decision

Site visit made on 2 February 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2023

Appeal Ref: APP/J1915/D/22/3294948

Omega, 20 Great Molewood, Hertford SG14 2PN

- 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 D Fletcher against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2711/HH, dated 27 October 2021, was refused by notice dated 23 December 2021.
 - The development proposed is an outbuilding to provide games room, proposed new retaining walls and steps.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (2021) ('the Framework') and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt;
 - The effect of the development on the character and appearance of the area; and
 - Whether any 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 necessary to justify the proposal.

Reasons

Inappropriate development in the Green Belt

3. The appeal site falls within land defined as Green Belt. It comprises a detached dwelling on high ground, with a steeply tiered front and side garden and a garage block at ground level. The appeal proposal is for an 'L' shaped outbuilding with flat roof on the lower tier of the front garden. It would be adjacent to the existing garage block, but the site's topography means that its base would start at the garage roof height.
4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The

Framework at paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy GBR1 of the East Herts District Plan (2018) requires planning applications in the Green Belt to be considered in line with the provisions of the Framework.

5. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. The relevant exception at paragraph 149(c) is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building¹.
6. The main parties agree that the proposed outbuilding would be an extension to a building, and I have dealt with the appeal on the same basis, due to the proposed outbuilding's proximity to the main dwelling building and its ancillary purpose. The Framework and the District Plan do not define 'disproportionate additions' or specify acceptable percentage increases or floorspace and volume thresholds. An assessment of whether a proposal would amount to a disproportionate addition is therefore a matter of planning judgement.
7. Although the Council's floorspace figure for the original dwelling is disputed by the appellant, they do not clarify its original size. The dwelling's existing floorspace as suggested by the appellant is not an appropriate basis for my assessment. They specifically acknowledge that a previous floorspace increase has taken place and note that the starting point was clearly a very small property. The Council identifies that the garage block post-dates the original dwelling and that a 2002 permission has been implemented for an extension and loft enlargement², with loft windows and front projections visible on my site visit. As such, there has been significant additions and alterations to the original dwelling.
8. On this basis, I have no reason to disagree with the Council's assessment of the resultant increase in floorspace to the original dwelling including the proposal being some 488% larger. Even if I were to take account of the appellant's figures, the proposal would still clearly be a significant increase in size, massing and floorspace to the original dwelling. This would amount to a substantial addition to the property, and one which I find to be very disproportionate over and above the size of the original building.
9. For these reasons, I conclude the appeal proposal would be inappropriate development in the Green Belt. The proposal would therefore conflict with Policy GBR1 of the East Herts District Plan, and would not comply with the exceptions as set out in paragraph 149 of the Framework.

Openness

10. A fundamental aim of Green Belt policy is to keep land permanently open, as set out in paragraph 137 of the Framework. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Spatially, the erection of the outbuilding would result in built development where there is presently none, and therefore unavoidably result in a reduction in the openness of the site. The appeal proposal would thus increase the volume, height, and massing of the existing dwelling.

¹ The Framework Annex 2 Glossary: original building

² Application references 3/210-82 and 3/02/0243/FP

11. Visually, the appeal site is clearly visible from the road, and the area has a strong semi-rural character of open space and wide sky views. Notwithstanding the presence of neighbouring dwellings or other approved extensions and outbuildings, the openness of the Green Belt is evident around the property and the wider area. The outbuilding would result in considerable harm to openness.
12. Furthermore, I find that the engineering operations comprising additional walling and fencing would only be required to facilitate the outbuilding, and so they are an integral aspect of the scheme. While the Council considers that they would not result in harm to the openness of the Green Belt in comparison with the existing fence structures, I find that cumulatively to a limited extent they would contribute towards further harm to openness. The scheme would therefore be contrary to the main aims of Green Belt policy at local and national levels, which I have set out above.

Character and appearance

13. Great Molewood is a narrow cul-de-sac set within a wider area of countryside including substantial bands of trees. The road serves a number of dwellings displaying a range of different styles, designs, and set-backs. Those towards the head of the cul-de-sac more obviously reflect the increasingly steep topography, with plots on the appeal side featuring tiered gardens with large retaining walls. Notwithstanding the mixed character of the individual dwellings along the street, the character of the area is predominantly semi-rural.
14. The appeal site lies at the head of the street marking a visual boundary with the more open land, railway cutting, and tree cover beyond. This is enhanced by its steep topography leading upwards to open sky views. The appeal dwelling is particularly set back and elevated within the rear of its site. The garage forming part of its frontage is relatively substantial in footprint and functional in appearance. However, at ground level and with a flat roof it does not have a particularly imposing presence, and is cut into the side of the steep slope such that it does not significantly detract from the open character described above.
15. The proposed outbuilding would in itself be a modest height and would be set significantly lower than the main dwelling's ridge height. It would also comprise of materials that would be typical of a garden setting. The appellant suggests that the existing retaining wall is somewhat unsightly, and that the outbuilding would largely obscure this from view, especially from public vantage points. This is a very minor benefit. They also identify site constraints which would restrict any alternative positioning within the plot.
16. However, the outbuilding's proposed location and total height and massing above the street level would give it undue prominence in the streetscene, despite its stepped backdrop and end of cul-de-sac location. It would clearly be visible as an additional storey above the garage block when viewed from the road, and thus present significant massing, prominence, and over-dominance. It would create a bulky form which would unbalance the appearance of the original dwelling's siting within the plot, and would significantly block views up to it. This is a different context to that of existing dwellings positioned close to the street.

17. The outbuilding would therefore not present subservience to its host. Introducing such significant massing in front of the dwelling would be harmful to the host property, and to the wider open character of the area.
18. In conclusion, the proposed development would result in substantial harm to the character and appearance of the area. It would therefore be contrary to policies DES4 and HOU11 of the East Herts District Plan which seek to ensure a high standard of design and layout, and to respect the character of the site and the surrounding area, in terms of scale, height, siting, and massing through volume and shape, and for residential outbuildings to present subservience to their host. It would also conflict with the Framework section 12 regarding the need to achieve good design.

Other considerations

19. The proposed scheme would provide increased living accommodation for the dwelling's occupiers, with the proposed size identified by the appellant as necessary for its intended use as a games room. However, this is a minor private benefit, and therefore attracts only limited weight.
20. The appellant proposes that the scheme would meet the 5 purposes of the Green Belt identified in the Framework paragraph 138. However, it would not assist in safeguarding the countryside from encroachment as it would create a new outbuilding in a countryside location.

Planning Balance

21. In summary, the proposal would be inappropriate development in the Green Belt in the terms set out by the Framework. The proposal would also cause harm to the character and appearance of the area, and I afford this moderate weight. The Framework requires that substantial weight should be given to any harm to the Green Belt, and that inappropriate development should not be approved except in very special circumstances. It goes on to explain that very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
22. Against the totality of the harm I have identified, the other considerations advanced by the appellant are not sufficient, either individually or cumulatively, to clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would thus conflict with the Green Belt policies in the Framework, and Policy GBR1 of the East Herts District Plan.

Conclusion

23. The development would be contrary to the development plan and the Framework taken as a whole. There are no other material considerations that would indicate that the development should be determined other than in accordance with the development plan. I conclude that the appeal is dismissed.

L Hughes

INSPECTOR