



Appeal Decision

Site visit made on 3 March 2023

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/J1915/D/22/3297566

28 Chapel Lane, Letty Green SG14 2PA

- 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 H Melcon-Sharker against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2698/HH, dated 27 October 2021, was refused by notice dated 9 February 2022.
 - The development proposed was originally described as: changing of existing garage's roof from a hipped roof to a gable ended roof. Erection of a front facing bay window, front porch infill extension with porch canopy and new chimney to side of existing main dwelling; work to also include alterations to fenestration on existing side and rear elevations, plus altering existing rear extension's pitched roof to a flat roof.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a front facing bay window, front porch infill extension with porch canopy and new chimney to side of existing main dwelling; alterations to fenestration on existing side and rear elevations and altering existing rear extension's pitched roof to a flat roof, at 28 Chapel Lane, Letty Green SG14 2PA, in accordance with the terms of the application, Ref 3/21/2698/HH, dated 27 October 2021, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 5347-OS1, 5347-OS2-PLNG, 5347-E01 Rev A, 5347-P01-PLNG Rev B.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. During the application, the proposed change to the shape of the garage roof was withdrawn from the proposal and revised drawings were submitted. These are the plans determined by the Council, and I have duly considered the appeal on the same basis. The description of development in the formal decision above also reflects this change.
3. I am also considering a separate appeal (Ref APP/J1915/D/22/3309331) at the same time as this decision, relating to an application for prior approval for an

additional storey to the appeal dwelling. I have had regard to this other appeal as a material consideration.

Main Issues

4. The site lies within the Metropolitan Green Belt. Therefore, the main issues are:
 - Whether the proposal amounts to inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt;
 - If the development is inappropriate, whether any 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 it.

Reasons

Whether Inappropriate Development

5. The Government attaches great importance to Green Belts. Paragraph 149 of the National Planning Policy Framework (July 2021) (the Framework) states that the construction of new buildings within the Green Belt is inappropriate development but lists certain forms of development which are not regarded as inappropriate. This includes 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. Policy GBR1 of the East Herts District Plan 2018 (the EHDP) sets out the approach to development in the Green Belt, reflecting the wording of the national approach set out in the Framework.
6. The Council sets out that the original dwelling had a floorspace of some 76m² and a volume of 260m³. The appellant sets out a comparable floorspace figure of 77m² but no volume figure. The Council in calculating subsequent extensions refers to two single storey rear extensions, but also includes the detached garage and another detached outbuilding in the rear garden on the basis of their proximity to the main dwelling. The cumulative footprint is put at 171m², and the volume at some 553m³, increases of 125% and 114% respectively over the original dwellinghouse.
7. The appellant states that the rear extensions added 46m², and the proposed porch would add a further 10.2m², for a total increase in footprint of 56.2m² or 73%. However, the appellant acknowledges that the garage would become a contiguous part of the dwelling as a result of the proposal, and inclusive of its 20.8m² footprint, the total increase would be 77m², or 100%. Neither of the figures presented to me are supported by plans or other evidence, such as the details of the earlier planning permissions. The appellant's figures also exclude the garden building, for which I do not have specific measurements.
8. There is no definition within the EHDP or the Framework of what constitutes a 'disproportionate addition.' Although an objective assessment of size is a significant part of the assessment, in the absence of specific guidance, whether the proposal would result in 'disproportionate additions' is ultimately a matter of judgement based on the particular facts in each case.

9. The existing rear extensions are relatively low in height and their form and position maintains a compact overall design to what remains a bungalow of fairly modest scale. The garage replicates the form of the front wing and its proximity to the main dwelling means it already reads as a constituent part of it in views from the street. The existing additions, inclusive of the garage, remain smaller in size than the original dwelling, and based on my observations, they do not appear disproportionate to the original building.
10. With respect to the garden building, I accept that its proximity to the main dwelling may warrant its inclusion in any calculations of total floorspace and/or volume, and that this may push the cumulative increase above 100% of the original dwelling but, due to its position and significantly different design, I find that the garden building does not read as an integral part of the dwelling and its massing does not add to the dwelling itself appearing demonstrably larger in size either in views from the street or neighbouring dwellings, nor does it contribute to the original dwelling being 'lost' amid its extensions. Therefore, overall, I am satisfied that the existing extensions do not already represent disproportionate additions.
11. The main element of the proposal, the front porch, would be located within an enclosed space between the dwelling and garage, where it would result in a modest change to the overall form and scale of the dwelling. Consequently, I find that, even considering that the garage would become physically attached to the main dwelling, the proposed porch would not result in disproportionate additions over and above the size of the original dwelling. Moreover, the other proposed alterations, including the chimney, front bay window and change of the rear roof slopes from pitched to flat, would not result in a tangible increase in volume. On the contrary, the alteration to the roof at the rear would partly reduce volume.
12. For these reasons, I conclude that the proposed development would not lead to disproportionate additions over and above that of the original dwelling. The proposal would not therefore amount to inappropriate development in the Green Belt and no conflict therefore arises with Policy GBR1 of the EHDP or the Framework.
13. With respect to openness and the purposes of the Green Belt, given my findings that the proposal would not be inappropriate development in the Green Belt, the proposal would, by definition, not have an adverse impact on the openness of the Green Belt or the purposes of including land within it.
14. As the proposal does not amount to inappropriate development, there is no requirement to assess if there are other considerations that amount to very special circumstances needed to justify the development.

Other Material Considerations

Prior Approval Appeal

15. Interested parties have questioned the appellant's approach in making separate applications for works viewed as constituent parts of a larger proposed development. As set out above, I am separately considering a proposal for prior approval for an additional storey to the dwelling, made under the Town and Country Planning (General Permitted Development) (England)

Order 2015 (as amended), and so following a separate process. I have thus considered each proposal on its own merits, not least as they are not proposed as alternatives or a fall-back option to each other.

16. However, if the prior approval proposal is dismissed, no permission would exist and it would have no bearing on the assessment made above or conclusions reached with respect to disproportionate additions in the Green Belt.
17. Moreover, the assessment of disproportionate additions is made against the original building, taking account of extensions already built, but not unbuilt extensions potentially allowed under permitted development rights. Even if the concurrent appeal is allowed, it is not built at the time of this decision and therefore does not alter my assessment above.
18. Even if the additional storey were to be taken into consideration and a conclusion of disproportionate additions reached having regard to the cumulative amount of development, the additional storey being permitted development and capable of being implemented separately to this proposal is a significant material consideration.
19. It is also the case that the prior approval application was made after the Council's refusal of the proposal subject to this appeal, and so was not a material consideration for the local planning authority in making its decision. Its relevance now is solely as a consequence of the timing of the appeal process for each case, and it strikes me as somewhat perverse to dismiss this proposal on the basis of an accident of timing outside of the appellant's control that brings a matter into consideration that was not before the Council.
20. Thus, in the event the prior approval scheme is taken into account, these considerations together would amount to the very special circumstances necessary to justify inappropriate development in the Green Belt. This means that, irrespective of the outcome of the other appeal, the proposal under this appeal would remain acceptable in terms of Green Belt policy.

Other Issues Raised

21. The Council did not refuse permission in respect of the effect of the proposal on the character and appearance of the area. The various elements of the proposal would be modest in scale and would not result in a significant change to the design or character of the dwelling. The street scene is one of individually designed dwellings, and as such there is no prevailing pattern or style to be adhered to. However, features such as chimneys and bay windows are seen on neighbouring properties and would not appear out of place on the host dwelling. Overall, I have no compelling reasons to conclude differently to the Council in this matter.
22. No objection was raised by the Council in respect of the effect on neighbours' living conditions. A concern is raised by a neighbour in respect of the proposed side windows. However, I saw there to be a tall, solid boundary treatment between the appeal site and the neighbour, which would prevent direct overlooking from the proposed windows.
23. I also note concern over the potential for harmful smoke from the proposed chimney. The type and level of emissions permitted would be a matter dealt with outside of the planning system, but I note the 5m height of the chimney

would enable smoke to disperse at high level, similar to other nearby dwellings, which would reduce the potential for smoke to drift into neighbouring properties.

24. I have had regard to other appeal decisions referred to in evidence. Ultimately, there are differences in each case in terms of the site circumstances, planning history and the nature of the proposals themselves. As such, these other decisions have not been decisive to my conclusions, which I have reached on the specific merits of the proposal.

Conclusion

25. I have found above that the proposal would not be inappropriate development in the Green Belt, nor would there be a harmful effect on the openness of the Green Belt. Moreover, the overall acceptability of the proposal would not be altered even if the concurrent prior approval appeal is taken into account.
26. Consequently, there is no conflict with the development plan or the Framework and the appeal should succeed, subject to a condition requiring development to be carried out in accordance with the approved plans, to provide certainty. A condition requiring materials to match those used on the existing dwelling is also needed in the interests of the character and appearance of the host dwelling and the surrounding area.

K Savage

INSPECTOR