



Appeal Decision

Site visit made on 2 March 2023

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/J1915/D/22/3291411

9 Waterford Common, Waterford SG14 2QD

- 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 Nicki Everett against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2408/HH, dated 17 September 2021, was refused by notice dated 24 November 2021.
 - The development proposed is demolition of annexe and single storey rear extension. Erection of a two storey rear extension incorporating Juliet balconies. Alterations to roof to include replacement of dormer windows to front. Creation of canopy to front. External alterations to windows and doors and removal of chimney.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of annexe and single storey rear extension; erection of a two storey rear extension incorporating Juliet balconies; alterations to roof to include replacement of dormer windows to front; creation of canopy to front; external alterations to windows and doors and removal of chimney, at 9 Waterford Common, Waterford SG14 2QD in accordance with the terms of the application, Ref 3/21/2408/HH, dated 17 September 2021, 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: 001 Rev C (Existing Plans, Elevations, Proposed Plans, Elevations) and 004 Rev A (Block Plan, Street Elevation and Flank Elevation).
 - 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.
 - 4) Within 3 months of the works hereby permitted to the main dwelling being substantially completed, the existing annexe building to the side of the main dwelling shall be removed from the site.
 - 5) Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no garage or other outbuilding shall be erected within the curtilage of the dwellinghouse without a separate grant of planning permission.

Main Issues

2. 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 and the purposes of including land within it;
 - 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

3. 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.
4. There is no definition within the EHDP or the Framework of what constitutes a 'disproportionate addition.' In the absence of specific guidance, whether the proposal would result in 'disproportionate additions' is ultimately a matter of judgment based on the particular facts in each case.
5. The proposal would involve a number of elements, the largest of which would be a two storey rear extension, in part replacing a single storey bay window and existing rear dormer windows. The main roof shape would be altered with a broader ridge line, though still retaining a hipped profile to the sides. At the front, two new dormers would replace four existing dormers, along with a raised front eaves line and a new front canopy. Other alterations to fenestration are proposed. It is also proposed to remove an existing annexe building to the side of the dwelling and a chimney.
6. The Council sets out that the original dwelling had a floor area of some 104m², with subsequent extensions to the front and rear. It contends that, taken together, the existing and proposed extensions would result in a floor area of approximately 204m², a 95% increase over the original dwelling. The appellant disputes these figures and how they have been calculated, instead arguing that the original floorspace was 112m², and that the combined increase of extensions would be some 72.8m², a 65% increase over the original dwelling. This excludes the annexe building, although the appellant criticises the Council's omission of same from its calculations, arguing its removal would lead to an improvement in terms of openness.
7. The Council's calculations appear to be derived from an historic plan supplied in evidence, which shows the dwelling with a quite different two storey form. If accurate, then the later extensions have involved a significant change to the

overall form, with the deep front and rear roof slopes creating more of a dormer bungalow appearance where the extended parts are not readily identifiable as such. Nonetheless, they are extensions, and the Framework test requires comparison with the *original* building.

8. The proposed extension to the rear would create a full two storey scale and greater massing to the upper level that would further alter the original form. Moreover, although the annexe building is proposed to be removed, its positioning directly adjacent to the main dwelling means it can be considered as an extension for the purposes of this assessment. If counted as such, the appellant's figures indicate an existing overall increase in floorspace of 106m², or some 94.6% over the original area of 112m². This is a substantial increase by any measure, and even if the proposed increase in massing was entirely offset by the removal of the annexe building, the combined size of the extensions would still be nearly double that of the original dwelling.
9. For these reasons, I find that the combined existing and proposed extensions would represent a substantial increase in scale compared to the original dwelling. Therefore, I find that the proposal would result in disproportionate additions over and above the size of the original building and the proposal would amount to inappropriate development in the Green Belt.

Effect on Openness and Green Belt Purposes

10. 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. Openness in terms of the Green Belt has a spatial aspect and a visual aspect.
11. The proposed extensions would not widen the overall footprint and would involve little, if any, extension of the footprint to the front or rear. The principal change would be the additional volume at roof level, concentrated to the rear, but it would sit below the main ridge height of the dwelling. The other alterations to the front would add a limited additional volume whilst retaining the general shape and form of the existing dwelling.
12. Set against this, the proposal includes the removal of the existing annexe building to the side, a reduction in footprint of some 33.2m². I do not have precise details of the volume to be added to the main dwelling, or that of the annexe, but based on my observations, its removal would have a considerable offsetting effect in terms of the overall spatial impact. Visually, the removal of the annexe would improve openness in terms of front and rear views of the site, whilst the additional volume of the extensions, due to their form and positioning within the roof scape, would not have a significant effect on the overall presence of the dwelling.
13. Taking these considerations together, I conclude that the proposal would not have a materially harmful effect on openness. Moreover, the proposal would not lead in any substantive way to encroachment of development into the countryside and would not impact on this or any other Green Belt purpose.

Other Considerations

14. Although the presence of past extensions is a factor in my finding the proposal would amount to inappropriate development, I set out above that they have combined to create a wholly different dormer bungalow form to the dwelling.

Consequently, there is little outward evidence of the original dwelling and, when seen in context with neighbouring dwellings, it does not appear disproportionate in scale relative to surrounding development.

15. Furthermore, it is an important consideration that the existing scale of development, which would not be significantly increased by the proposal, has been found acceptable under past planning permissions. In the circumstances, I give significant weight to the fact that the existing extensions are already of a scale that amounts to disproportionate additions and that the increase in volume from the proposed works would be significantly, if not wholly, offset by the removal of the annexe building, such that the proposal, overall, would not materially worsen the effects on the openness of the Green Belt.
16. The Council did not refuse permission in respect of the effect of the proposal on the character and appearance of the area or neighbours' living conditions. My observations on site do not lead me to find harm in either of these matters.

Whether very special circumstances exist

17. The proposal would cause harm to the Green Belt by way of inappropriateness, to which I afford substantial weight in accordance with the Framework, which adds that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
18. Taken together, the overall form of the proposal, the past acceptance by the Council of the scale of existing extensions, the offsetting effect of the annexe removal and the absence of harm to openness, clearly outweigh the totality of the harm identified to the Green Belt. Consequently, I conclude that the very special circumstances necessary to justify the proposal exist.

Conclusion

19. As I have found above that very special circumstances exist to justify development in the Green Belt, the proposal would accord with national policy set out in the Framework and Policy GBR1 of the EHDP, which sets out that planning applications within the Green Belt will be considered in line with the provisions of the Framework. There are no material considerations which indicate that a decision should be made other than in accordance with the development plan.
20. Therefore, the appeal should be allowed, 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 necessary in the interests of the character and appearance of the area.
21. Finally, a condition requiring the removal of the annexe building is necessary to ensure the development, as a whole, accords with relevant Green Belt policy. To prevent the subsequent re-building of an annexe building, it is also necessary to remove permitted development rights to construct outbuildings within the curtilage of the dwellinghouse.

K Savage

INSPECTOR