



Appeal Decision

Site visit made on 25 July 2023 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2023

Appeal Ref: APP/J1915/D/23/3317155

12 Firs Walk, Tewin Wood, Tewin, Hertfordshire AL6 0NZ

- 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 Cooper against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1709/HH, dated 10 August 2022, was refused by notice dated 1 December 2022.
 - The development proposed is described as 'erection of single storey extension to rear of existing house.'
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are a) whether the proposal would be inappropriate development in the Green Belt; b) its effect on the openness of the Green Belt; and c) if it would be inappropriate development, 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 it.

Reasons for the Recommendation

Inappropriate Development

4. The National Planning Policy Framework 2021 (the Framework) establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building. This is provided that the extension does not result in a disproportionate addition over and above the size of the original building. The Framework defines 'original building' as 'a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally.'
 5. Policy GBR1 of the East Herts District Plan 2018 (DP) seeks to protect the Green Belt and requires development proposals therein to be considered in line with the provisions of the Framework. Neither the DP nor the Framework define
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'disproportionate'. The officer report states that the Council has a preferred allowance of a 50% for development in the Green Belt, however this figure is not mentioned in GBR1.

6. The appeal property is a large detached two-storey dwelling set in a substantial plot. It has been previously extended, including with a side and rear extensions. When taken together, the Council suggests the previous and proposed extensions would increase the footprint of the original property by 119%. The appellant has not challenged this figure.
7. Size can be more than a function of footprint and can include bulk, mass, and height. In this case, the scale, bulk and mass of the building had already been considerably increased through the previous additions. The proposed rear extension would further increase the massing and scale of the dwelling. Consequently, the proposed rear extension together with the previous extensions would cumulatively amount to a disproportionate addition over and above the size of the original building. The proposal would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

Openness

8. Openness is an essential characteristic of the Green Belt. Planning Practice Guidance states that openness is capable of having both spatial and visible aspects, so that both the visual impact of the proposal and its volume may be relevant.¹
9. The proposed rear extension would increase the visual and spatial bulk and massing of the dwelling, creating built form where there was previously none and would therefore result in an unavoidable reduction in the openness of the Green Belt. Given the, in context, modest size of the extensions, the built-up residential nature of the surrounding area, and as no trees would be removed, that harm would be limited. Nonetheless, one of the fundamental aims of Green Belt policy is to keep land permanently open.

Other Considerations

10. Should the appeal be allowed, the appellant has suggested that a condition could be used to improve the soft landscaping on the site. However, this would not sufficiently mitigate the harm that would be caused to the Green Belt as identified above since it would relate to both inappropriateness as a matter of principle and still reduce the spatial aspect of the Green Belt's openness in any case.

Conclusion and Recommendation

11. The proposed rear extension would cause harm to the Green Belt by way of inappropriateness and through reducing openness, to which substantial weight should be afforded. The Framework states that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The other considerations identified above do not clearly outweigh the totality of the harm. Consequently, the very special circumstances necessary to justify the rear extension do not exist.

¹ Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722

12. Accordingly, the proposed rear extension would conflict with DP Policy GBR1 and with the Framework, the aims of which are set out above. There are no other material considerations before me, including the approach of the Framework, which indicate that a decision should be made other than in accordance with the development plan. The appeal should therefore be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

John Morrison

INSPECTOR