



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: 14 September 2023

Appeal Ref: APP/J1915/D/23/3316690

3 Staff Houses, Crouchfield Lane, Chapmore End, Hertfordshire SG12 0HE

- 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 Gemma Ali Turnbull against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1668/HH, dated 4 August 2022, was refused by notice dated 8 December 2022.
 - The development proposed is described as a double rear extension.
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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.

Preliminary Matters

3. The decision notice and appeal form refer to the 'removal of front porch, construction of two storey rear extension and new front porch, garage conversion and replace front garage door with new window, a new first floor side window and enlarged first floor rear window. This best describes the proposed development in more accurate and complete terms. I have therefore taken it into account.
4. Since the submission of the appeal, a new version of the National Planning Policy Framework 2023 (the Framework) has been published albeit the substance thereof in regard to the main issues of the appeal has not changed. The main parties will not therefore be prejudiced by it being taken into account in this decision.

Main Issues

5. 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.
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Reasons for the Recommendation

Inappropriate Development

6. 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.'
7. 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 Framework. Neither the DP nor the Framework define what is meant by disproportionate. The Council has a preferred allowance of a 50% but this figure is not mentioned in GBR1.
8. The appeal property is a semi-detached two-storey dwelling set in a generous plot. The property has been previously extended over two storeys. There is also a two-storey rear element with a dormer window which has no planning history. However, there are no similar rear extensions or dormer windows at the adjacent properties, and the pattern of the brickwork below the render differs slightly to the brickwork of the rest of the house. Furthermore, the appellant refers to the two-storey rear element as part of the original dwellinghouse, yet also refer to it as an extension. It is therefore not clear whether it is part of the original dwellinghouse for Green Belt purposes.
9. The Council states that the previous and proposed extensions, when taken together, would increase the floor area of the original dwelling by 86% and the footprint by 72%. The appellant contests this, stating that the floor area would increase by 73.6% and the footprint by 71.2%. Even if the existing rear element is part of the original dwellinghouse and using the lower figures provided by the appellant, the increase in both floor space and footprint above that of the original dwellinghouse would be substantial.
10. 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 have already been considerably increased through the previous works. The proposed rear extension would further increase the massing and scale of the dwelling. Consequently, the proposed rear extension together with the previous additions would cumulatively amount to a disproportionate one 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

11. Openness is an essential characteristic of the Green Belt. Planning Practice Guidance explains that openness is capable of having both spatial and visual aspects, so that both the visual impact of the proposal and its volume may be relevant.¹
12. The proposed rear extension would increase the visual and spatial bulk and massing of the dwelling and would therefore result in an unavoidable reduction in the openness of the Green Belt. Given the, in context, modest size of the

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

extension and the built-up residential nature of the surrounding area, harm to the visual aspect would be limited. The harm to the spatial aspect would however remain. One of the fundamental aims of Green Belt policy is to keep land permanently open.

Other Considerations

13. It has not been demonstrated that claimed improvements to the energy efficiency and structural integrity of the property could not be achieved with a scheme that causes less harm to the Green Belt. In addition, subservience and suitable materials would be arguably expected for a successful scheme and would consequently carry only limited weight. Furthermore, adjacent properties have rear single or two storey extensions, but no details of any planning permissions therefore have been provided. It is thus not possible to compare the reasons for allowing such to the appeal scheme.

Conclusion and Recommendation

14. The proposal 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 for the reasons set out. Consequently, the very special circumstances necessary to justify the proposal do not exist.
15. Accordingly, the proposal would conflict with DP Policy GBR1 and with the Framework, the aims of which are set out above. There are no material considerations, 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

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

John Morrison

INSPECTOR