



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: 26 September 2023

Appeal Ref: APP/J1915/D/23/3318075

Lane Croft, Perrywood Lane, Watton At Stone, Hertfordshire SG14 3RB

- 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 and Mrs T. Walton against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/2224/HH, dated 20 October 2022, was refused by notice dated 16 December 2022.
 - The development proposed is a single storey rear extension to existing dwelling incorporating a partial basement area.
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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.

Procedural Matter

3. The Watton at Stone Neighbourhood Plan (NP) has been through examination and a referendum is scheduled for 12 October 2023. However, neither main party has provided the details of any relevant policies in their submissions. I have therefore assessed the scheme against the East Herts District Plan 2018 (DP) which is the adopted development plan at the time.

Main Issues

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

5. 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
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- 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.'
6. DP Policy GBR1 seeks to protect the Green Belt and requires development proposals therein to be considered in line with the provisions of the National Planning Policy Framework (the Framework). Neither the DP nor the Framework define disproportionate for their purposes. The officer report states that, as a general rule, the Council would consider any additions over 50% of the floorspace of the original building as such, but this figure is not mentioned in GBR1.
 7. The appeal property is a large, detached dwelling set in a substantial plot. Owing to the slope of the land, the property is split-level with the main dwellinghouse being single-storey and a garage at a lower-ground level. The property has been previously extended with front, side and rear extensions. Planning permission also exists for an 8m single-storey rear extension¹ and an additional storey², although these have yet to be constructed.
 8. There is disagreement between the parties regarding the increase in floorspace of the original building. Nevertheless, the appellant accepts that the proposed extension together with the extensions which have already been built would constitute a disproportionate addition.
 9. Size can be more than a function of footprint and can include bulk, mass, and height. Based on the evidence before me and given the increase in size of the building from the existing, approved and proposed extensions, I have no reason to disagree. 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

10. 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.³
11. 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 extension and the residential nature of the surrounding area, that harm would be limited. Nonetheless, one of the fundamental aims of Green Belt policy is to keep land permanently open and any harm to the Green Belt attracts substantial weight. This would be in addition to the inappropriateness of the scheme.

Other Considerations

12. The appellant contends that the previously approved 8m single-storey rear extension represents a fall-back option. However, the proposed rear extension

¹ Planning application ref. 3/16/1768/PNHH

² Planning application ref. 3/22/0973/ASDPN

³ Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722

would include a basement level, making it materially different to the approved extension. Furthermore, while the proposed extension may not have a greater visual effect on the openness of the Green Belt, given the addition of the basement it would have a greater spatial impact. As such the previously approved extension would be less harmful to the openness of the Green Belt and consequently would not justify the proposed extension in this case.

13. A small part of the site, namely the access and northern edge of the front garden, are within the Watton At Stone Conservation Area (CA), although the majority of the site, including the house and the proposed extension, lie outside. Given the position of the extension at the rear of the property, it would not have any adverse effect on the CA or its setting. The proposal would also not detract from the character of the existing house and surrounding area, and it would not cause any harm to the living conditions of occupiers of neighbouring properties. These matters all carry neutral weight as absences of harm in each case.

Conclusion and Recommendation

14. 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.
15. 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 material considerations, including the approach of the Framework, which indicate that a decision should be made other than in accordance with the development plan. I therefore recommend the appeal 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