



Appeal Decision

Site visit made on 10 October 2023

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal Ref: APP/C1570/D/23/3314994

Maple Cottage, 1 Foxglove Farm, Dunmow Road, Hatfield Heath, BISHOP'S STORTFORD, CM22 7BL

- 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 G and N Saunders against the decision of Uttlesford District Council.
- The application Ref UTT/22/2945/HHF, dated 27 October 2022, was refused by notice dated 23 December 2022.
- The development proposed is the demolition of existing side extension and link and erection of a single storey side extension and single storey rear extension.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission¹ was given in 2022 for a single storey rear extension and front porch (the previous approval). This is unimplemented but remains extant and therefore presents a fallback position if no further approvals were given. I shall return to this later in my decision.

Main Issues

3. The main issues are:
 - whether the proposed extension would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (The Framework) and any relevant development plan policies;
 - the effect on the openness of the Green Belt; and
 - if the proposal would be inappropriate development, whether any harm is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

Reasons

Inappropriate development

4. The appeal site is within the Green Belt. Policy S6, of the Uttlesford Local Plan [2005] (LP), states that development within Hatfield Heath, Leaden Roding, Little Hallingbury and White Roding are excluded from the Green Belt. It also identifies four major development sites within the Green Belt where certain development will be permitted. It states that development should be

¹ Planning Application Reference: 20221-P001

compatible with the countryside setting and purposes of the Green Belt and, if so, will be permitted within these boundaries. This policy does not refer to how the Council would approach proposals within the Green Belt, although the policy's companion text (at para 2.2.7) explains that Green Belt development will be permitted if it complies with national Green Belt policy.

5. Paragraph 149, of the Framework, establishes that buildings in the Green Belt would be inappropriate unless they would meet a listed exception. Paragraph 149(c) explains that the extension or alteration of a building would not be inappropriate provided that it would not result in a disproportionate addition over and above the size of the original dwelling. Accordingly, LP policy S6 is largely consistent with the Framework. The Framework does not define 'disproportionate'. As such, consideration of proportionality is a matter of planning judgement taking into account a range of factors including a proposal's height, floorspace, volume, design and the configuration of the plot.
6. The host dwelling is a dormer bungalow set within comparatively spacious grounds. The building was approved to be converted from a cart lodge to a dwelling in 2017 and was relatively modest in size. This would appear to constitute the 'original building' as referenced in the Framework as a starting point to consider the effect of additions. The Council identify that the building had a footprint of around 75sqm.
7. Following its conversion, it was subject to planning approval for an increase in roof pitch and height to form two bedrooms in 2018. This included the addition of four dormer windows and a rear extension. The Council identify this created around 69sqm of additional floorspace. It was later subject to planning permission for the retention of a link connecting the main house, of around 13sqm, to an office at its side. These approved additions appear to have been erected in addition to a small porch canopy. The Council state that the office was erected under Permitted Development Rights prior to the conversion in 2017. In summary the Council concluded that the total floorspace of additions and the proposed development would amount to nearly 140sqm. Whilst an assessment of disproportionality should not be simply a matter of floor-area increase, these figures have not been contested by the Appellant and provide a useful initial indicator of the scale of previous additions.
8. The proposed rear and side extension would replace the office and link, this would appear to reduce the floor area of this component by a small degree and include a ridge height that would be shorter than the existing office. However, the overall form of the side extension would include a roof form and overall bulk that would include less articulation and graft a low lying, but wide, addition to the side of the dwelling.
9. The proposed rear extension would replace the previous approval and connect to the existing rear extension. Taking the previous approval into account it would provide an infilling extension between the unimplemented and constructed rear extensions. Consequently, some of the additional volume created by the proposed additions would be off-set by other development, either through demolition or in preventing the construction of previously approved development. Nevertheless, the proposed extensions would add further volume to the rear of the dwelling that would be substantially greater than would be provided by the fallback position, having a materially greater effect on the overall size of the dwelling.

10. Accordingly, whilst the proposed additions are in isolation relatively modest in size, the proposed extensions when taken in combination with previous extensions/additions would result in a substantial net increase in volume and floorspace. Consequently, the proposed additions in combination with previous extensions, would be disproportionate to the size of the original modest dwelling. This finding is reflected by the significant increase in floorspace, volume and massing compared to the size of the original dwelling.
11. As it has not been demonstrated that the proposal would be any of the exceptions listed in Paragraph 149 of the Framework, it would amount to inappropriate development in the Green Belt.

Effect on openness

12. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and its essential characteristics are therefore its permanence and openness. Considerations of openness have both visual and spatial aspects. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. The dwelling is screened from the public highway by virtue of an access drive that passes through a wooded area and behind a gated entry. Furthermore, the proposed extensions would be partially screened within the site, which is bounded by planting, causing a limited visual impact on the surrounding Green Belt.
13. Nonetheless, whilst I have taken into account the limited views of the site, the scheme would spatially result in a substantial additional mass to the dwelling resulting in modest harm to the openness of the Green Belt. Furthermore, despite the dwelling's discrete location the proposal would extent a dwelling at the end of a row of dispersed dwellings, beyond its built envelope. As a result, it would encroach further into the Green Belt in conflict with a key purpose of the Green Belt.

Other Considerations

14. The proposed extensions would, by themselves, be relatively modest and contained within the residential plot of the dwelling. However, an assessment of proportionality must take into account the overall effect of the proposal in combination with previous additions and consider the size of the original dwelling. Consequently, whilst the site is well contained and enclosed this has a limited effect on considerations of proportionality.
15. The Council determined that the previous approval, for a rear extension and porch, was acceptable and would be comfortably contained within the envelope of the site. However, this view related to a smaller proposal and cannot be readily applied to the current proposal which is materially different and must be considered on its own merits.
16. The Appellant asserts that the side extension would be more appropriately designed in comparison to the office and link. However, whilst it would be better integrated with the main dwelling it would include a shallow pitched roof and a single flat front elevation. These features would remove some of the interest of the existing side extension. Accordingly, whilst the design of the proposed extensions would complement the existing dwelling, any visual benefits would be of limited weight only in support of the scheme.

17. LP Policy GEN2 relates to general good design criteria and requires development to be compatible with the scale, form, layout, appearance and materials of surrounding building. There is no dispute between parties as to the proposal's relationship to surrounding form and the Council find that it would harmonise well with the host property. Consequently, this policy is not relevant to the main issues and weighs neither for nor against the proposed extensions.

Whether there would be Very Special Circumstances

18. Paragraphs 147 and 148 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
19. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in modest harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
20. On the other hand, it has been demonstrated that the proposed additions would individually be relatively small and have a reduced effect on the Green Belt by being within the envelope of the site. However, these matters are of limited weight in favour of the proposal and the fall-back position would not be of greater harm than the proposed development. Accordingly, in these specific circumstances, I consider that the harm to the Green Belt is not clearly outweighed by other considerations and therefore the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.

Conclusion

21. The proposed development would not accord with the development plan or national policy and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

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INSPECTOR