



Appeal Decision

Site visit made on 21 November 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2023

Appeal Ref: APP/J1915/D/23/3324542

12 Highfield Farm, Mangrove Lane, Brickendon, Hertfordshire SG13 8QJ

- 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 Michael Kirby against the decision of East Hertfordshire District Council.
 - The application Ref 3/23/0349/HH, dated 23 February 2023, was refused by notice dated 20 April 2023.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development 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 of the proposed development on the openness of the Green Belt; and,
 - if the proposal is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations as to amount to the very special circumstances required to justify the development.

Reasons

Inappropriate development

3. The appeal site lies within the Green Belt and consists of a modest, end of terrace bungalow, which has a small rear garden. The original building was previously a stable, which has been split into four dwellings. The appeal property has two rear, single storey projections, which the appellant advises were constructed prior to the building being first occupied as a dwelling.
4. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm, and very special circumstances will not exist unless the potential harm to the Green Belt

by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

5. Policy GBR1 of the East Herts District Plan (the District Plan) October 2018, requires that planning applications within the Green Belt are considered in line with the provisions of the Framework. Within the Framework, the construction of new buildings is deemed to be inappropriate development within the Green Belt. However, there are a number of exceptions to this, including paragraph 149 c) of the Framework, which relates to 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.
6. Annex 2 of the Framework defines the original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. The Council advises that the original floorspace of this part of the building was 35 sqm. The building has been extended to the rear, which provides a further 35 sqm of floorspace. The proposal seeks to provide a single storey rear extension, which would infill a gap between the existing rear projections and neighbour's rear projection. The proposed extension would create an additional 11.6 sqm of floorspace.
7. There is no definition of what constitutes a disproportionate addition within local or national planning policy. I appreciate that the proposed extension would be modest in size. However, in combination with the existing additions, the proposal would result in a significant increase in volume and 133% increase in floorspace when compared to the size of the original building, which would be disproportionate.
8. For the reasons given above, I conclude that the proposal would result in a disproportionate addition over and above the size of the original building. As a result, the proposal would be inappropriate development in the Green Belt. The proposal would conflict with Policy GBR1 of the District Plan, which requires that planning applications within the Green Belt are considered in line with the provisions of the Framework. The proposal would also conflict with paragraph 149 c) of the Framework, which requires that extensions to buildings within the Green Belt do not result in disproportionate additions over and above the size of the original building.
9. While the Delegated Officer Report concludes that there would be conflict with Policy DES4 of the District Plan, this policy is not referenced in the reason for refusal. Policy DES4 is a general design policy, which among other things covers character and appearance and living conditions. There is no evidence before me to suggest that the Council has any concerns relating to the design of the proposed extension or its effect on the character and appearance of the area or the living conditions of neighbouring properties. Consequently, I do not find any conflict with this policy.

Openness

10. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The proposed extension results in additional volume and massing on site, which would cause a spatial loss of openness to the Green Belt, albeit this would be limited given the size of the extension.

11. The proposal would be single storey in height. Its ridge would be lower than the principal part of the building and the existing rear projections. The proposal would not extend as far rearwards as the projections either side and would partly infill a gap between the host property and neighbouring property's rear projection. Consequently, the proposal would not be visible from the front elevation or from either side of the property. There would be limited views of the extension from the rear above the boundary treatment. Given the infill nature of the proposal and its modest size, I do not find that it would result in a visual loss of openness to the Green Belt.
12. For the reasons given above, I conclude that the proposal would result in a small loss of spatial openness to the Green Belt and would therefore conflict with the Framework, which seeks to keep land permanently open.

Other considerations

13. The appellant has drawn my attention to the preamble to Policy HOU11 of the District Plan, which states that extensions in the Green Belt should not result in disproportionate additions over and above the size of the original dwelling. As this wording does not form part of a policy, I give it limited weight in my decision. I give great weight to Policy GBR1 of the District Plan, which requires that development in the Green Belt is considered in line with the provisions of the Framework, which refers to the original building, rather than the original dwelling.
14. My attention has been drawn to an extension at 14 Highfield Farm (No 14). The appellant argues that the development at No 14 results in a similar sized building to that sought in this appeal and was not found to be disproportionate by the Council. I appreciate that the Council has dealt with the two applications differently and I afford this other consideration moderate weight in favour of the proposal.
15. The appellant has drawn my attention to other appeal decisions. In the Crabtree Cottage appeal, the Inspector concluded that the historic evidence indicated that the building was larger on 1 July 1948 than asserted by the Council. This led the Inspector to reach a contrary conclusion to the Council. The Old Quarry House appeal resulted in a far smaller percentage increase when compared to the original building than the appeal scheme before me. Nevertheless, the other schemes fall within a different local authority area and as a result the local policy context is materially different and not comparable. In any event, I am required to determine the appeal on its own merits.
16. I note that the Parish Council raise no objection to the scheme if the footprint is the same as that included at No. 14. However, this does not alter my findings set out above.

Green Belt Balance

17. The proposed development would be inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. Furthermore, there would be harm caused by the small loss of openness to the Green Belt from the proposed development. Paragraph 148 of the Framework is clear that substantial weight should be given to any harm to the Green Belt. Overall, I afford the other considerations advanced in this case moderate weight in favour of the development. Accordingly, very special circumstances do not exist

that clearly outweigh the harm to the Green Belt, by reason of inappropriateness and harm to openness.

Conclusion

18. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the Framework, that would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

A James

INSPECTOR