



Appeal Decision

Site visit made on 12 December 2023

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2023

Appeal Ref: APP/P1940/D/23/3326797

13 Hyde Lane, Nash Mills, Hertfordshire HP3 8RY

- 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 & Mrs M Cooper against the decision of Three Rivers District Council.
 - The application Ref 23/0460/FUL, dated 14 March 2023, was refused by notice dated 11 May 2023.
 - The development proposed is described as Introduction of side access to the rear of the property, proposed two storey side extension, proposed single storey rear extension and associated structural alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal was lodged the revised National Planning Policy Framework (2023) (the Framework) was published on 19 December 2023. In the context of the main issues in this appeal and the substantive cases of the Council and the Appellant, the Framework's policy content has not materially changed. Therefore, there is no requirement for me to seek further submissions on this latest version and I am satisfied no party would be prejudiced by my determining the appeal accordingly.

Main Issues

3. The main issues are:
 - whether or not the proposed development would be inappropriate development in the Green Belt and the effect of the proposed development upon the openness of the Green Belt;
 - the effect of the proposed development upon the character and appearance of the host dwelling and the area; and,
 - if the proposed development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development and openness

4. The appeal site is within the Green Belt within which paragraph 142 of the Framework identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. The Framework identifies the construction of new buildings should be regarded as inappropriate development, subject to certain exceptions. One exception in paragraph 154 is 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. The Framework does not define what is disproportionate, but Annex 2 defines the original building as being, as it existed on 1 July 1948 or, if constructed after, as it was built originally.
6. Policy CP11 of the Core Strategy (2011) (the CS) is consistent with the Framework in stating there will be a presumption against inappropriate development that would not preserve the openness of the Green Belt or would conflict with the purpose of including land within it. Policy DM2 of the Development Management Policies Local Development Document (2013) (the DMP) is consistent with the Framework in stating extensions that are disproportionate to the original building will not be permitted. It states regard will be had to the building's proximity and relationship to others, whether it is already or would become prominent in the setting and preserves openness.
7. However, neither Policy DM2 nor CP11 define disproportionate. The Council states the Extensions to Dwellings in the Green Belt Supplementary Planning Guidance (2003) (the SPG) referred to in the supporting text of DM2, is superseded by DM2, and the SPG's contents will be incorporated into a future Design SPD. However, the Council has had regard to the SPG. This states where an original dwelling was under 110sqm of floor area, an increase of more than 40%, may be regarded as disproportionate.
8. Though the SPG is superseded and founded on superseded policies that predate the CS, DMP and the Framework, PPG2 contained a similar exception of disproportionate additions over and above the size of the original building. However, floorspace is only one element of the size of an extension for the purposes of assessing a development under Framework paragraph 154c).
9. The Council states the floorspace of the original dwelling was approximately 109 square metres (sqm). It has been previously extended by approximately 47 sqm, with this proposal resulting in a net total increase of approximately 85sqm or 78%. There is no substantive evidence this is inaccurate. The increase in floorspace would be large, but it is only one measure of whether an addition can be regarded as disproportionate.
10. Notwithstanding the removal of some of the existing elements of the dwelling, the proposed development would still add a large increased volume, scale and mass to the dwelling. Despite the proposed side gap and pitched roof set below the existing ridge, the side extension would still be of a significantly increased height, scale, bulk, mass, and a sizeable volumetric addition. The rear projections would also constitute a significant addition extending the

dwelling rearward of No 11 on both respective storeys, with the first floor also beyond that of No 15's first floor.

11. Noting its proximity and relationship to other buildings, including neighbouring Nos 11 and 15, the development would significantly increase the prominence of the dwelling in the setting of other buildings. The height, depth, massing and scale of the proposed development, would result in limited overall harm to the spatial openness of the Green Belt. However, there would be a clear and marked level of harm to the visual openness of the Green Belt, particularly visible primarily from Hyde Lane around the host dwelling frontage.
12. Taking the various aspects and attributes of the proposed development as a whole, it would result in a disproportionate addition to the original building, which would be harmful to the openness of the Green Belt. Therefore, it would be inappropriate development. It would conflict with the aims of Policy DM2 of the DMP and Policy CP11 of the CS, the relevant provisions of which I have set out above. It would also conflict with the aims of Paragraph 142 of the Framework, insofar as it aims to keep the Green Belt permanently open.

Character and appearance

13. Hyde Lane and its surrounds are characterised by a variety of primarily detached and semi-detached dwellings set within generously sized plots. They appear of a broadly similar age and vernacular. Although as a consequence of additions and alternations over time, there are some discernible variations in the appearance of many. As one of a pair of extended semi-detached dwellings that has retained some vernacular forms, but each with differing ground and first floor side and rear projections, the appeal site is in keeping with the character and appearance of the area.
14. The proposed front and side element of the extension would be aligned with the dwelling's main front wall, with a ridgeline approximately 0.8m below the main ridge of the central gable feature, and hipped and gable roof forms sloping up away from the eaves. Below these the first-floor side and rear projection and introduces a clear useable side gap at ground floor level. Much of the new bulk and massing would be along the side adjacent to No 11.
15. Though somewhat deeper and prominent from the front, given the form of the main dwelling including the height and prominence of the main gable feature, the shape, form, and scale of the proposed development would relate well and be a minor improvement to the existing form. It would not unduly compete with the main gable feature or the dwelling. On-balance, it would also result in some minor improvement to the balance between No 13 and No 15, and the dwelling would be broadly reflective of the appearance of a number of dwellings in the locality.
16. The Council does not raise a specific objection in respect of the rear ground floor projection in relation to character and appearance. Based upon what I saw, noting the cumulative effect with other elements of the scheme, I see no reason to disagree. On-balance, as a matter of planning judgement having regard to the scale, bulk and massing as a whole of the proposed development, it would not appear overly prominent, excessively dominant, overbearing, or harmful to the character and appearance of the host dwelling.

17. For the reasons set out above, the proposed development would not be harmful to the character and appearance of the host dwelling and the area. It would not conflict with Policies CP1 and CP12 of the CS, or Policy DM1 and Appendix 2 of the DMP. Amongst other things these require that development is of a high-quality design that has regard to local context and the quality of the built environment, conserves or enhances the character and appearance of the area, is not excessively prominent, has regard to the 45-degree rule, and that side extensions incorporate a 1.2m gap.

Other considerations

18. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 explains that substantial weight should be given to any identified harm to the Green Belt.
19. The SPG states that dwellings with limited basic amenities may be allowed larger extensions to allow upgrading to contemporary living standards. By improving household accommodation there would be some benefits from a more efficient use of previously developed land and for the appellants' family, consistent with the aims of Policy CP1 of the CS. However, from what I saw and the evidence before me, the dwelling incorporates a good level of basic amenities.
20. There is no substantive evidence explaining what contemporary living standards constitute or that the existing dwelling does not cater for these. Even if it were to have been shown, it is not clear the necessary standards could not be achieved by a reduced scheme that is less harmful to the Green Belt. Therefore, it is not demonstrated the previous SPG test is met. The accommodation benefits attract limited weight in favour of the scheme. Having regard to the effect upon character and appearance, there would be a minor overall benefit, which attracts limited weight.
21. I am informed there are various examples of nearby extensions to dwellings that are greater than the 40% floorspace threshold. While provided with some photographs, the full context, details and circumstances of many are not clear. I have however, been provided with substantive evidence in respect of two nearby. The scheme at No 11, increased floorspace by approximately 70%. However, that included some pre-existing loft space as floorspace, without which the net increase in floor space is much more limited. The increase in scale, mass and volume are also proportionally much smaller. Therefore, it is not directly comparable to the appeal proposal and attracts limited weight.
22. A 75% increase in floorspace was permitted at No 12 which the Council viewed as falling within the exception of not being disproportionate, under the same CS and DMP Green Belt policies, and the SPG. Consistency in the planning system is an important matter and like cases should be determined in a similar manner. That proposal was for a limited percentage less floorspace than this appeal proposal, with what appears to be a lower roof form. From that delegated report, I do not understand the rationale behind the decision a 75% floorspace increase is proportionate given the relevant national and development plan policies. It is possible that dwelling could have been regarded as not having sufficient basic amenities or living standards, but that is unclear. It is also not demonstrated that that decision represents a typical application of the policies before me. That decision attracts moderate weight.

23. There is nothing before me to suggest permitted development rights are not available to the appeal property, or that a future Prior Approval might not be forthcoming from the Council. Notwithstanding this, I do not have substantive details and plans of a scheme that would be implemented and built out, or an expressed intention to implement such a scheme, were this appeal to fail. Therefore, this suggested fallback position attracts moderate weight.
24. It is possible subject to the imposition of suitably worded planning conditions the proposed development could secure some landscape and biodiversity improvements. However, there is nothing before me to suggest these could amount to anything other than a limited benefit. Compliance with policy objectives in respect of matters such as the living conditions of neighbouring occupiers, and off-street parking provision are neutral matters in the balance. Overall, the other considerations, attract moderate weight in favour of the scheme.

Green Belt Balance and Conclusion

25. The other considerations set out by the appellant attract moderate weight. However, they do not clearly outweigh the harm identified to the Green Belt, which carries substantial weight, so as to amount to the very special circumstances necessary to justify the proposed development. Therefore, the proposed development conflicts with Policy DM2 of the DMP, Policy CP11 of the CS, and the Framework.
26. The proposed development would be contrary to the development plan read as a whole, and the National Planning Policy Framework, and there are no considerations advanced, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR