



Appeal Decision

Site visit made on 12 February 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2024

Appeal Ref: APP/P1940/D/23/3328891

The End House, Cherry Tree Lane, Heronsgate, Hertfordshire WD3 5DW

- 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 R McCormack against the decision of Three Rivers District Council.
 - The application Ref 23/0636/FUL, dated 17 April 2023, was refused by notice dated 19 June 2023.
 - The development proposed is the demolition of existing carport, construction of single storey side extension and raised patio to the rear.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development within the application form is described as the conversion of existing car port to habitable. However, I have taken the description from the decision notice as this provides a more accurate description of the proposal given the extent of the works to the car port.
3. An amended drawing has been submitted as part of this appeal removing the patio element from the proposal. The Council has not had an opportunity to comment on this revised plan and therefore I shall determine the appeal on the basis of the plans that were before the Council when it made its decision and on which parties were consulted.
4. In December 2023 the Government published a revised National Planning Policy Framework (the Framework) accompanied by a written ministerial statement. The revised Framework is a material consideration which should be taken into account from the day of publication. Whilst the revisions have resulted in changes to paragraph numbers, the substance of the Framework in terms of the Green Belt has not. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the Framework;
 - the effect of the proposal on the openness of the Green Belt; and

- if it is inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development

6. The Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
7. Paragraph 154 of the Framework regards the construction of new buildings as inappropriate in the Green Belt. An exception to this 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 defines "original building" as being a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
8. Policy CP11 of the Core Strategy (2011) (CS) makes clear that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. Policy DM2 of the Development Management Policies Local Development Document (2013) (LDD) states that extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building will not be permitted. The building's proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account.
9. Neither the Framework nor the development plan provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement. While an increase in excess of 40% was referred to in the Extensions to Dwellings Supplementary Planning Guidance, this has been superseded by Policy DM2 of the LDD.
10. The dwelling has already been extensively enlarged under reference 18/1793/FUL. The subsequent construction of these additions has significantly extended the original building. There is no compelling evidence demonstrating that the carport was part of the original building or was included within the assessment of application reference 18/1793/FUL.
11. Even if the carport was part of the original building, the development would be of a greater height and massing than the carport. While not a significant increase in itself, when taken with the previous extensions it would result in a disproportionate addition over and above the size of the original building. The appellant states that the ratio of built form at the site, in comparison to the size of the plot, is minimal. While much of the plot would remain undeveloped, the policy requires the proposal to be assessed against the size of the original dwelling rather than the size of the site.
12. The Council consider that the element of the proposal relating to the raised patio would not be inappropriate development as it would comprise an engineering operation that would preserve the openness of the Green Belt in

accordance with Paragraph 155 of the Framework. I find no reason to take a different view.

13. The proposal would result in a disproportionate addition over and above the size of the original building. Therefore, the proposal would be inappropriate development which is, by definition, harmful to the Green Belt. Consequently, the proposal would conflict with Policy CP11 of the CS, Policy DM2 of the LDD, which collectively seek to protect the Green Belt from harm and the Framework, in this regard.

Openness

14. The Framework identifies the essential characteristics of Green Belts as being their openness and their permanence. The site is largely enclosed by tall trees and mature hedges to the boundaries, reducing the potential for views of the development and restricting the visual effect of the proposal on the surrounding area. Nevertheless, whilst the footprint is unaltered, the increased scale and massing of the proposed development would result in a harmful reduction in the spatial openness of the Green Belt.
15. For these reasons, the proposal would harm the openness of the Green Belt. The development would therefore conflict with Policy CP11 of the CS, Policy DM2 of the LDD and the Framework.

Other considerations

16. 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 harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm resulting from the appeal development, is clearly outweighed by other considerations.
17. The site is in the Heronsgate Conservation Area (CA). As required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special regard to preserving or enhancing the character or appearance of a conservation area. The significance of the CA is derived from its historical association with the Chartist movement which sought to provide self-sufficiency and improved conditions through the provision of homes within large plots linked by narrow lanes. The site is within Cherry Tree Lane, a later addition to the original layout of the area dating from the inter-war period.
18. The carport jars with the arts and crafts style of the dwelling but is discreet within the CA given the limited views from outside of the site. The proposal would be subservient and a more sympathetic addition to the dwelling than the carport and would preserve the character and appearance of the CA. Nonetheless the weight I attribute to this is reduced by the discreet position of the site within the CA. Consequently, I attribute neutral weight to this consideration.
19. The proposal would provide accommodation for an elderly relative and improved living space, including for home-based working, whilst giving an opportunity to retrofit the home to Building Control Part M (2) standards. The evidence presented in this regard does not include sufficient background in respect of the specific circumstances for me to determine whether the proposal

is the only suitable option to provide such accommodation. On the evidence before me, I apportion only moderate weight to this consideration.

20. The appellant has referred to the provision of permitted development rights to allow for the enlargement and alteration of dwellinghouses. There is no substantive evidence before me to indicate that permitted development rights would be utilised to extend the dwelling. Furthermore, the proposal should be considered on its individual merits with appropriate regard to the development plan and any material considerations, which is what I have done in this case. Consequently, this consideration carries neutral weight.
21. For these reasons I find that the other considerations in this case, as set out above, do not clearly outweigh the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal therefore conflicts with Policy CP11 of the CS, Policy DM2 of the LDD, and with Paragraph 154 c) of the Framework.

Conclusion

22. The proposal would not accord with the development plan as a whole. The other considerations in this case do not indicate that the application for planning permission should be determined otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR