



Appeal Decision

Site visit made on 4 June 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2024

Appeal Ref: APP/J1915/D/23/3329723

Longridge, Amwell Hill, Great Amwell, Hertfordshire SG12 9RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Taylor against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/0766/HH.
 - The development proposed is the construction of car port to front of property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.
3. The appeal documents include an additional plan showing a street scene elevation and cross section which seeks to clarify the relationship of the proposal to the street. The appellant confirms that there are no changes to the car port. On this basis, I am satisfied that no prejudice would occur to any party as a result of my consideration of this plan. I have therefore proceeded on this basis.

Main Issue

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the area and on the setting of a nearby Grade II listed building; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The appeal site is located within the Metropolitan Green Belt. Policy GBR1 of the East Herts District Plan 2018 (DP) sets out that development proposals within the Green Belt will be considered in line with the provisions of the Framework.
6. Paragraph 154 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. The parties agree that the car port could be considered as a normal domestic adjunct to the main property and therefore treated as an extension. On this basis, paragraph 154 c) of the Framework is of relevance. It states that one of the exceptions 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.
7. The Framework does not provide a definition of 'disproportionate additions'. 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 and can include reference to matters such as volume, footprint or floorspace.
8. The planning history shows that the development in 2014 comprised a single storey front extension, first floor extension including front and rear dormers and the appellant indicates that the original roof was raised by 1m. As such, it is clear that the original property has been extended substantially. The Council has provided footprint calculations, which are not disputed by the appellant. Neither party has provided floorspace calculations.
9. In accordance with the Council's calculations, the footprint of the existing dwelling is 99% larger than the original building. The car port would add 34.2m² in footprint, thereby further increasing the coverage of built form when combined with previous extensions to the dwelling.
10. The car port is open sided, so it would have little volume. Nevertheless, the appellant estimates that, when taken together with the previous extensions to the property, the proposal would result in an uplift in volume of approximately 42% over and above the original dwelling. This increase in built form would be significant.
11. No empirical guidance is provided in either the Framework or development plan as to what may be regarded as a disproportionate addition. Nevertheless, the figures provided with the appeal show that, whilst the car port now proposed is not substantial, of itself, it would add to the cumulative impact of the previous development at the site. As such, the proposal would result in a disproportionate addition over and above the size of the original building. Accordingly, the proposed development would not comply with the exception listed at paragraph 154 c) and would amount to inappropriate development, having regard to national and local planning policy.

Openness

12. The Framework notes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of the Green Belt are their openness and permanence.
13. The openness of the Green Belt has a spatial aspect as well as a visual aspect. Despite being open sided, due to its volume, the proposed development would result in the reduction of the openness of the Green Belt in spatial terms. The proposal would be sited close to the existing boundary treatments, which would restrict the effect on the visual aspect of the Green Belt. Still, any harm to the openness of the Green Belt runs contrary to the aims of the Framework and attracts substantial weight.

Character and appearance

14. Longridge is a detached dwelling sited in a large plot. The dwelling is set-back from the road behind a close boarded fence. This part of Amwell Hill comprises detached dwellings on spacious plots with deep frontages, normally with generous vegetation as the front boundary treatment, presenting a verdant character and appearance to the street scene. The public house next to the site is located close to the road.
15. The proposal would introduce a car port at the front of the dwelling, near the front and side boundary fences. As it would be sited on lower ground than Amwell Hill, only part of the roof would be visible above the fence line. As such, despite its forward position, the car port would not appear conspicuous in the street scene.
16. The neighbouring dwellings to the north, the Firs, is a Grade II listed building. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of this heritage asset. The Firs is a pair of two-storey semi-detached Victorian villas and its significance derives, in part, from its unusual side by side built, in isolation, as well as from the architectural features of its façades. Given the amount of development that has taken place around the listed building, I find that the car port, which would not be of a substantial size, would preserve its setting.
17. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area and on the setting of a nearby Grade II listed building. The proposal would therefore accord with DP Policies HA7 and DES4 which, amongst others, require development to protect heritage assets and be of a high standard of layout to reflect and promote local distinctiveness.

Other considerations

18. The proposal would be acceptable in relation to other matters, including living conditions and highway safety. Nevertheless, the absence of harm in regard to these matters does not carry positive weight in favour of the proposal.

Other Matters

19. The appellant asserts that the Council has approved other developments where the increase in floorspace was up to 50%, but I have not been directed to any example. Nevertheless, the approach that Council followed in relation to other

schemes is of little significance for this appeal; the matter of whether the extension is disproportionate remains one of planning judgement.

Green Belt Balance

20. The proposal would be inappropriate development in the terms set out in the Framework. In addition, it would fail to preserve openness. The Framework requires that substantial weight is given to any harm to the Green Belt. '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.
21. The other considerations in this case are not sufficient to comprise the very special circumstances necessary to justify this development. As such, the proposal would be contrary to DP Policy GBR1 and to the Framework.

Conclusion

22. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR