
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: 27 June 2024

Appeal Ref: APP/J1915/D/24/3337000

Gannet House, Chapmore End, Ware, Hertfordshire SG12 0HF

- 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 John Read against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/1590/HH.
 - The development proposed is described as demolish existing rear ground floor kitchen area. Reconstruct rear kitchen area to increased size as shown on attached drawings. New extension to comprise flat roof with roof lights and sliding and bi-fold doors to side and rear.
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Decision

1. The appeal is dismissed.

Preliminary Matter

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.

Main Issues

3. The main issues are:
 - whether the proposal 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 proposal on the openness of the Green Belt; 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

4. 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.

5. 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. One of these exceptions is paragraph 154 c), which permits 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. Neither the DP nor the Framework include a definition of what constitutes a disproportionate addition over and above the size of the original building. As such, this assessment is a matter of planning judgement.
7. The original building has been previously enlarged with single and two storey extensions. The officer's report states that the existing extensions to the original dwelling and nearby outbuildings have added approximately 359m² of floorspace to the property, and that the proposed development would increase this to about 380m². As such, the proposal would result in an increase of around 128% in floorspace over and above the original buildings on site.
8. The Council's figures are not disputed by the appellant, but rather the dispute lies on the inclusion of the outbuildings in the Council's calculation. The appellant asserts that removing the outbuildings from the calculations would reduce the cumulative increase in floorspace by some 74m². Even if I were to consider the appellant's stance, the officer report provides the changes in floorspace associated with each extension granted at the property. These figures show that a considerable two storey extension was approved in 1958 and this has subsequently been constructed, in addition to other more recent extensions. As such, it is clear that the original dwelling has been extended substantially.
9. It is reasonable to also consider the cumulative size and scale when assessing whether a proposal would amount to a disproportionate addition. While the extension now proposed is not substantial, of itself, and would increase the overall footprint of the dwelling by a little, it would add to the cumulative impact of the previous extensions to the dwelling, some of which are two storey.
10. As such, the proposal would result in a disproportionate addition over and above the size of the original building. Accordingly, the proposed development would fail to comply with the exception listed at paragraph 154 c) and would amount to inappropriate development, having regard to national and local planning policy.

Openness

11. 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.
12. Views from public vantage points towards the extension would be limited, however the absence of a visual intrusion, or the existence of other built elements, does not in itself mean that there would be no impact on the openness of the Green Belt.
13. The openness of the Green Belt has a spatial aspect as well as a visual aspect. By virtue of its footprint, height, overall massing and volume the development would reduce the openness of the Green Belt in spatial terms. The proposal would be seen against the massing of the host dwelling, which would restrict

the effect on the visual aspect of the Green Belt. Still, any harm to the openness of the Green Belt would be contrary to the aims of the Framework and attracts substantial weight.

Other considerations

14. The proposal would be acceptable in relation to other matters, including living conditions of nearest neighbours and it would be sympathetic to the host dwelling. Nevertheless, the absence of harm in regard to these matters does not carry positive weight in favour of the proposal.
15. The proposal would be constructed to meet the current Building Regulations standards with increased thermal insulation capability. Although this is welcomed, I give this matter modest weight, as it is considered under other legislation. The extension would create a larger and more practical kitchen; however, I have not been provided with substantive evidence to demonstrate that the appeal scheme is the only feasible option to achieve the appellant's aims. As such, I afford this matter little weight.

Other Matters

16. Consideration of the five purposes of including land within the Green Belt is not a part of the assessment of whether a proposed extension would result in a disproportionate addition over and above the size of the original building. As such, there is no need for me to consider whether the proposal would conflict with the purposes of including land within the Green Belt.
17. Reference is made to other appeal decisions for householder extensions allowed at appeal elsewhere in the Borough. While I have not been provided with the full details of these cases, I note that the Inspectors considered that the assessment of whether the proposal would amount to a disproportionate addition over and above the size of the original building to be a matter of planning judgement, based on the particular facts in each case. I have taken this into account in my assessment above.

Green Belt Balance

18. The proposal would be inappropriate development in the terms set out in the Framework. Furthermore, there would be a harmful effect on 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.
19. 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

20. 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