



Appeal Decision

Site visit made on 19 July 2024

by **J L Cheesley BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 August 2024

Appeal Ref: APP/J1915/D/24/3339742

4 Thorley High, Thorley, Bishops Stortford, Hertfordshire CM23 4AR

- 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 Michael Fisher against the decision of East Herts Council.
 - The application Ref is 3/23/2276/HH.
 - The development proposed is demolish existing PC garage and replace with two-storey side extension at same overall width. Demolish existing brick-built utility annexe to rear of existing house. Construct full width rear single-storey extension with extents and sloping roof in plane of similar extension to adjacent adjoining property (semi-detached).
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be:

whether the proposal would amount to inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, and if so, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal; and

the effect of the proposal on the openness of the Green Belt.

Reasons

3. 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. The construction of new buildings in the Green Belt is inappropriate unless in accordance with exceptions in the Framework. One exception is the extension or alteration to a building providing it does not result in disproportionate additions over and above the size of the original building.
4. A proposal should be determined in accordance with the development plan unless material considerations indicate otherwise. Policy GBR1 in The East Herts District Plan (2018) (District Plan) states that planning applications within the Green Belt will be considered in line with provisions of the Framework.

5. The appeal property lies within a group of detached and semi-detached dwellings where some have been extended to the side and rear. The appeal property is a semi-detached two-storey dwelling. The proposal includes a two-storey side extension expanding the main two-storey gable end section of the existing dwelling across its full depth. A single-storey rear extension would extend across the whole of the rear in line with the adjoining extension to the neighbouring property. A garage, utility annexe and rear conservatory would be demolished. Whilst the Council considers all these to have been extensions to the original dwelling, it was not clear at my site visit whether the garage and possibly the utility annexe were part of the original property, although the conservatory does appear to be an addition.
6. From my observations, due to the scale of the proposed extension in comparison to the scale of the original property, even if the garage and utility annexe were original developments, and taking into account the demolition of the conservatory, I consider that it would be such a significant increase in floor area as to be a disproportionate addition. This would constitute inappropriate development in the Green Belt.
7. Added to the harm of being inappropriate development is the impact that the proposal would have in diminishing the sense of openness of this part of the Green Belt. The garage, utility annexe and conservatory are lightweight structures. Due to their designs and positions, they have little impact on the openness of the Green Belt. Whereas the proposed extension to the property, due to its design and scale would exacerbate the presence of the residential property in the streetscene, significantly increasing the footprint and bulk of built form at the property. Therefore, I consider that the proposed addition of domestic built form would diminish the sense of openness of this part of the Green Belt, both in spatial and visual terms.
8. Drawing the above factors together, I consider that the development would harm the openness and visual amenity of the Green Belt and would have a greater impact on the purpose of including land within it than the existing condition of the appeal site. The proposal thus conflicts with the Framework and with District Plan Policy GBR1.

Other considerations

9. I note that there have been extensions to other dwellings in this group of properties, particularly to the adjoining property. None are directly comparable to the proposal before me. In particular, on the adjoining property there is a less intrusive hip, rather than gable end, roof structure. These are material considerations, and I have attributed some weight to the presence of other extensions in the vicinity in my determination of this appeal.
10. Conversely, it appears that these extensions were permitted prior to the adoption of the current development plan. This factor limits the weight I can attribute to these permissions. I accept that the Council has raised no objection to the proposal in terms of the character and appearance of the area. However, as set out above, the main issues in this case are the effects of the proposal on the Green Belt, and I have considered the appeal on this basis. In any event, I have determined the proposal before me on its individual merits.

Conclusion

11. In reaching my conclusion, I have had regard to all matters raised. It is necessary to determine whether there are other considerations which clearly outweigh the harm to the Green Belt, and any other harm, hereby justifying the proposal on the basis of very special circumstances. For the reasons stated above, in my opinion the considerations advanced in support of the proposal do not clearly outweigh the harm it would cause to the Green Belt. In conclusion, I am of the opinion that there are no material factors that would amount to the very special circumstances needed to clearly outweigh the presumption against inappropriate development in the Green Belt. Thus, the proposal would be contrary to District Plan Policy GBR1 and policy in the Framework.
12. For the reasons given above the appeal should be dismissed.

J L Cheesley

INSPECTOR