



Appeal Decision

Site visit made on 16 July 2024

by J D Westbrook BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2024

Appeal Ref: APP/J1915/D/24/3338448

48 Chapel Lane, Letty Green, Hertfordshire, SG14 2PA

- 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 Mrs Michelle White against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/2074/HH.
 - The development proposed is described as the erection of a two-storey rear extension.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework December 2023 (NPPF) and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - If inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

3. No 48 is a detached house situated on the south side of Chapel Lane. It is part of a row of detached houses of varying design along this part of the road and, in common with neighbouring properties, is set well back from the road. It would appear that the properties in the vicinity of No 48 have long rear gardens that back onto an area of open land between the houses and a large commercial horticultural premises to the south. To the north and further to the east of Chapel Lane is open countryside. The proposed development would involve the construction of a two-storey extension across part of the rear elevation of the house, and the insertion of new windows and doors.

Whether inappropriate?

4. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt with certain exceptions, including

the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

5. Policy GBR1 of the Council's District Plan 2018 states that planning applications within the Green Belt will be considered in line with the provisions of the National Planning Policy Framework (NPPF). In the explanation relating to planning applications in the Green Belt, it reiterates that inappropriate development in the Green Belt should not be approved except in 'very special circumstances', and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this respect the development plan policy is consistent with the policy set out in the NPPF.
6. The appellant has referred to other examples of development granted permission in the Green Belt close to the appeal site, where large increases in size have been involved. However, it would appear that these examples are not of similar circumstances to that of the current proposal, in terms of either type of development, position in relation to the host building, or degree of change with regard to the scale of the actual development proposed, and I have, in any case, considered this case on its own merits.
7. In this case, the proposed development is an extension and as such, is to be considered against potential exception (c) under paragraph 154 of the NPPF. From the information before me, it would appear that the original dwelling has been extended a number of times in the past, and that the existing dwelling plus the proposed extension would have a floorspace some 97% larger than the original. Whilst, in itself, the proposed extension would not be a large addition, when considered cumulatively with previous additions I find that it would represent a disproportionate addition over and above the size of the original building. It would, therefore, be inappropriate development in the Green Belt.

Openness

8. The proposed extension would partly infill a space at the rear of the house, but would then extend beyond the rear building line by a small amount into the rear garden. It would, therefore, have some impact on the openness of the Green Belt, though the degree of harm would be minimal.

Other considerations

9. The appellant has referred to a Certificate of Lawful Development (CLD) that was issued in 2013 relating to a two-storey rear extension at No 48 which appears to be of a slightly smaller scale and a different design to that of the current proposal. From the information before me, it is unclear as to whether changes to the General Permitted Development Order since 2013 could potentially invalidate the CLD. It is questionable, therefore, whether it could constitute a realistic 'fall-back' position.
10. Even if the CLD were to be considered a fall-back position, the time that has elapsed since the CLD was issued, during which time the development has not been implemented, leads me to consider that there is only a small degree of probability that it would be carried out.

11. Finally, I note that the CLD scheme is smaller than that of the current proposal. In addition, it would cause less harm than the current scheme in that would retain the characteristic pitched roof design of the main body of the dwelling, whereas the current scheme would introduce a flat-roofed element that would be somewhat incongruous in the context of the design of the rest of the house.
12. In conclusion on the CLD issue, from the evidence before me, I find that there is some doubt as to the validity of the CLD. Even if the CLD scheme were to be considered a fall-back position, the time delay in implementing it indicates only a limited probability of it being built. In any case, the current proposed scheme would be larger and of a somewhat uncharacteristic design. For all of these reasons I give the existence of the CLD scheme only limited weight
13. The appellant notes that planning permission was granted by the Council in 2014 for an almost identical development to that of the current proposal. The 2014 permission has, however, now lapsed and, although granted under a similar policy from an earlier development plan, the assessment of that proposal by the Council took place at a time when the CLD would have remained valid. Moreover, it would appear that little detailed consideration was given by the Council at that time to specific quantitative data relating to the scale of the proposal. Given the actual figures available to me, I have found that the 97% increase in floorspace would represent a disproportionate addition over and above the size of the original building. The existence of the much earlier permission does not alter my conclusion on this matter and, once again, I afford it limited weight.

The Planning Balance

14. I find that the proposal would represent inappropriate development in the Green Belt. In the light of my considerations given in paragraphs 9-12 above, I afford the existence of the CLD scheme only limited weight. Similarly, for reasons given in paragraph 13, the existence of a previous planning permission for a similar proposal in 2014, should be afforded only limited weight. On balance, therefore, I conclude that there are no other considerations which, separately or cumulatively, clearly outweigh the harm to the Green Belt by way both of inappropriateness and impact on openness, which must be afforded substantial weight.

Conclusion

15. I find that the proposed extension would be inappropriate development in the Green Belt, and the very special circumstances necessary to justify the development would not exist. On this basis, the proposal would conflict with Policy GBR1 of the LP and with national policy in the NPPF. Consequently, I dismiss the appeal.

J D Westbrook

INSPECTOR