



Appeal Decision

Site visit made on 16 April 2024

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th September 2024

Appeal Ref: APP/P1940/D/23/3331441

Heron Cottage, Stockport Road, Heronsgate, Hertfordshire WD3 5DD

- 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 & Mrs D Ridler against the decision of Three Rivers District Council.
 - The application Ref is 23/1160/FUL.
 - The development proposed is two bay car-port incorporating electrical vehicle charging.
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Decision

1. The appeal is allowed and planning permission is granted for two bay car-port incorporating electrical vehicle charging at Heron Cottage, Stockport Road, Heronsgate, Hertfordshire WD3 5DD in accordance with the terms of the application, Ref 23/1160/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location and Block Plan – 01 Rev B, Proposed Ground Floor – 08 Rev F, Proposed SE and SW Elevations – 07 Rev F, Proposed NW and NE Elevations – 06 Rev F, Proposed First Floor and Roof – 09 Rev F.
 - 3) The materials to be used in the construction of the external surfaces of the extension shall match those used in the existing building.

Preliminary Matter

2. After the appeal was made, the Council granted planning permission for a car-port (the extant permission)¹. The Council has confirmed that it has no objections to the approved plans and delegated report of the permission forming part of this appeal file. Given the nature of this evidence, it would not deprive those who were entitled to be consulted on the application of the opportunity to make representations that they may have wanted to make. As such, the acceptance of this evidence would not unfairly prejudice any party. I have therefore taken it into consideration.

Main Issues

3. The main issues are:

¹ Council Ref: 23/1710/FUL

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- 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 any 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

Inappropriate development

4. The appeal site is within the Metropolitan Green Belt. Policy CP11 of Core Strategy 2011 (the Core Strategy) 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 (the Local Development Document) 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. These policies are broadly consistent with the Framework.
5. Paragraph 154 of the Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt unless it falls within one of the listed exceptions. One of the exceptions listed at part c) 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.
6. Neither the Framework nor the development plan policies define 'disproportionate additions' and therefore assessing whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgment. The Extensions to Dwellings Supplementary Planning Guidance set out that extensions resulting in a cumulative increase in floorspace of over 40% compared with the original dwelling would normally be unacceptable. However, it has been superseded by Policy DM2 of the Local Development Document. It is therefore of limited weight in my assessment of the proposal.
7. The proposed car-port would predominately be built over the existing hardstanding that is used for parking. However, it would extend slightly beyond the existing wall.
8. There is dispute between the main parties over the existing floorspace and the extent of the proposal's increase in floorspace. The appellant has relied upon floorspace percentages listed by the Council in its officer report in relation to the approval of a side extension at the appeal property. As I have not been provided with a full copy of this report, there is no substantive evidence before me to understand how the Council arrived at these percentages. I have therefore relied upon the Council's calculations for this appeal proposal which are more detailed.
9. The appeal property has already been enlarged through various extensions. The Council's calculations identify that the subsequent construction of these extensions has significantly extended the original building. Whilst not a large increase in itself, when taken with the previous extensions, the proposal would result in a total increase of 96% over the floorspace of the original building, which would be a very

significant increase. As such, the proposal would result in a disproportionate addition over and above the size of the original building.

10. I therefore conclude that the proposal would not meet the exception listed at part c) of paragraph 154 of the Framework. Accordingly, the proposal would be inappropriate development in the Green Belt and would conflict with Policy CP11 of the Core Strategy, Policy DM2 of the Local Development Document and the Framework, the purposes of which have been set out above.

Openness

11. Openness has both a spatial and visual aspect. It is also possible that a development which would harm openness can be acceptable visually and vice versa.
12. In spatial terms, the area where the car-port would be erected is relatively open, even though it is enclosed on two sides by the existing wall and hedging. There would be an increase in the level of built development in this part of the site because of the presence of the posts and roof of the car-port. This would mean a reduction in the spatial openness of the Green Belt, albeit to a limited degree because of the scale of the proposal.
13. In visual terms, the proposal would result in slightly larger built volume and massing at the front, side and rear of the appeal property, particularly as the roof pitch of the car-port would be higher than the eaves of the roof that it would be adjoined to when viewed from the front and rear elevations. However, the loss of visual openness would be to a very limited extent given that the house is fairly well-screened by the established trees and hedgerows.
14. I therefore conclude the effect on openness would be limited. Nevertheless, this would cause harm to the openness of the Green Belt. The proposal would therefore conflict with Policy CP11 of the Core Strategy, Policy DM2 of the Local Development Document and the Framework, which collectively seek to protect the openness of the Green Belt.

Other considerations

15. The extant permission allows for a car-port to be built at the site. I have no reason to believe that if this appeal fails, there is no real prospect that this extant permission will not be built. Therefore, there is a greater than theoretical possibility that this development will take place. This is a material consideration in the assessment of the proposal. The degree of weight to be given to the fallback position depends on whether or not it would be equally or more harmful than the scheme proposed.
16. The evidence before me demonstrates that the total increase in floorspace above the original building from the fallback scheme would be similar to the appeal proposal. Even though the fallback scheme would not extend beyond the existing wall, it would also be a disproportionate addition.
17. Whilst the fallback scheme would be slightly smaller than the appeal proposal, it would also result in built development in this part of the site. The roof of the fallback scheme would be shorter in height and would be less bulky than that proposed, however, it would still add volume and mass to the appeal property. The appeal proposal would therefore have a similar impact on Green Belt openness when compared to the fallback scheme. As the appeal proposal and the fallback

scheme would both relate to the same part of the site, I am satisfied that the appellant would not be able to construct both developments in the future.

18. In my view, the level of harm to the Green Belt from the appeal proposal would be equal to the fallback scheme. For the above-mentioned reasons, I apportion the fallback scheme significant weight.
19. The proposal would allow for electrical vehicle charging. However, given the small number of vehicles that this would likely serve, I can only give this benefit limited weight.

Other Matters

20. The appeal site is located in Heronsgate Conservation Area. Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The Council concluded that the character and appearance of the Conservation Area would be preserved and based on the evidence before me, I have no reason to reach a different view.

Green Belt balance

21. The proposal would be inappropriate development in the terms set out by the Framework. It would also result in a limited loss of openness of the Green Belt. As required by the Framework, substantial weight is given to this harm.
22. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
23. Against this harm, I give significant weight to the fallback scheme which could be implemented. This would have an equally harmful effect on the Green Belt as the appeal proposal. As such, I find that this other consideration is of sufficient weight to clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness and effect on openness. As a result, I consider that very special circumstances exist which justify the development.

Conditions

24. I have imposed the statutory implementation condition, along with a condition listing the approved plans to provide certainty. A materials condition is also necessary to ensure the external materials of the proposal match the existing materials to protect the character and appearance of the area.

Conclusion

25. The proposal would conflict with the development plan but the other considerations indicate that a decision should be made other than in accordance with it. Therefore, the appeal should be allowed.

L Reid

INSPECTOR