

Appeal Decision

Site visit made on 23 September 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2024

Appeal Ref: APP/J1915/D/24/3346206

29 Bishops Road, Tewin, Hertfordshire AL6 0NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Simon Eden against the decision of East Hertfordshire District Council.
 - The application reference is 3/24/0377/HH.
 - The development proposed is rear ground floor extension and first floor extension over existing ground floor area; front extension to form double gable; demolition of detached garage to form integral garage; alterations to roof and installation of two rear dormer windows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would amount to inappropriate development within the Green Belt; whether there would be any other harm to the Green Belt; the effect on the character and appearance of the area; 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 necessary to justify the development.

Reasons

3. The proposal represents an extension to a dwelling within the Green Belt. It therefore falls to be considered with regard to policy GBR1 of the East Herts District Plan 2018 (LP). This advises that such applications will be considered in line with the provisions of the National Planning Policy Framework.

Whether inappropriate development

4. The *National Planning Policy Framework 2023* advises that the construction of new buildings should be considered as inappropriate in the Green Belt. It sets out exceptions to this position in paragraph 154c which accepts that the extension or alteration of a building would not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.
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5. The appellant and local residents have referred to a 50% increase in both floor space and volume with regard to what constitutes a disproportionate addition. The *Framework* does not specify a figure as to what represents disproportionate additions or how it should be calculated. I have found no basis for the 50% figure within any provided adopted local policy. This figure cannot therefore be afforded any weight.
6. The *Framework* defines original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. Very little definitive evidence has been provided but it has been suggested that the property was built in 1960.
7. The council calculate that the original building had a floor area of 142m² whilst the proposal would have a floor area of 173m², an increase of 121.7%. The appellant advises that the existing property has a ground floor area of 108.48m² with the garage being a further 15.49m², giving a total of 123.97m²; and the proposed ground floor extension would have a floor area of 53.77m². The appellant suggests that the council's figures are wrongly based on a conclusion that the rear ground floor element was not original to the property.
8. Neighbouring residents suggest that the property was extended to the rear in 1976 and make reference to planning application 3/76/0455. The appellant suggests that this application related to a side extension that was not built. The council's report simply refers to that application as an extension. No other information is provided. From my visit, it appeared that the brickwork of the rear element is an exact match with the main part of the house. It does have a straight brickwork joint in the south facing side elevation where it meets the two storey element, suggesting that it was built separately. However, the evidence is inconclusive.
9. The proposal includes considerable alterations to both the first floor and the roof form of the property. In these circumstances, it is not appropriate to rely only on ground floor footprint comparisons. Reliance on overall footprint calculations, as suggest by the council, would also represent a limited approach to the necessary assessment. In the absence of any local policy guidance and given the nature of the changes proposed, it is important to consider the impact on openness with regard to the overall change in scale of development. Whilst overall floor area calculations are of some assistance, comparative volume calculations would perhaps have been more instructive, in these particular circumstances.
10. It is however clear that the roof form of the dwelling would be substantially increased both in terms of the width of the highest part of the roof and its overall depth. The second, full height, front gable would add to this increase in scale as would the first floor additions to the rear and side. The new single storey rear extension would add a further substantial addition. Overall, the original form of the dwelling would be lost and subsumed into a substantially greater scale of building. These changes, even if the flat roof element were considered to be original, would result in disproportionate additions over and above the size of the original building.

11. The proposal would therefore reduce the openness of the Green Belt and represent inappropriate development. The *Framework* is clear that substantial weight should be given to any harm to the Green Belt.

Character and appearance

12. The existing property has a distinctive appearance and sits comfortably within its existing setting. The space around it, is important in this low density environment. The increase in scale, particularly the substantially increased bulk and width of the upper elements, would result in the building being more dominant and strident in appearance; and relatively cramped in its setting.
13. The existing house has a distinctive roof form and pleasing proportions which are complemented by the single front gable, overhanging eaves and chimneys. The proposed design of the frontage would be particularly weak with the positive design features lost and the new built elements and fenestration, offering little design quality or unity. The proposal would not represent a high standard of design and would detract from the character and appearance of the area.
14. The proposal would conflict with LP policies HOU11 and DES4(I) as it would not be of a size, scale, mass, form or design that would be appropriate to the character, appearance and setting of the existing dwelling; it would not appear as a subservient addition to the dwelling; and it would not be of a high standard of design that would reflect and promote local distinctiveness.

Other considerations and conclusions

15. The *Framework* is clear that 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, is clearly outweighed by other considerations.
16. The appellant has made reference to other considerations. These generally relate to the view that openness and the objectives of the Green Belt would not be harmed and that the proposal would have a satisfactory appearance. Whilst I disagree with this assessment, I am satisfied that the proposal would have only a limited impact on neighbouring residents with regard to privacy and outlook. It would also result in considerable investment with improvements to living conditions and the quality of the building fabric. Other improvements to landscaping and biodiversity could also be required by conditions.
17. In conclusion, having considered the matters put forward, I am not satisfied that the harm to the Green Belt by reason of inappropriateness, would be clearly outweighed by other considerations. Very special circumstances do not therefore exist to justify the proposal. The quality of the design and the harm to the character and appearance of the area add to this concern. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR