



Appeal Decision

Site visit made on 13 November 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2024

Appeal Ref: APP/J1915/D/24/3345265

97 Datchworth Green, Datchworth, Hertfordshire SG3 6TL

- 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 Balchin against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/0568/HH.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 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

Whether inappropriate development

3. The appeal site (the site) includes a detached dwelling. The land behind the site is largely undeveloped, and includes residential garden land, agricultural fields and sports pitches, all of which are on higher ground than the appeal site dwelling.
4. Policy GBR1 of the East Herts District Plan 2018 (the Local Plan) states that planning applications in the Green Belt will be considered in line with the provisions of the Framework. As such, the former is consistent with the latter.
5. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to exceptions set out in paragraph 154. One such exception 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. The Framework does not define 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.
7. The appeal site dwelling has been extended previously. Figures provided by the Council and not contested by the appellant show the proposal, taken alongside the previous extensions, would result in a total of some 115m² of floorspace added to a building originally containing around 157m²; an addition of some 73%. The footprint of the dwelling would be increased from around 127m² originally to over 182m², an increase of some 43%.
8. The Council cites an approach in which increases are limited to 50% of the original. It is not clear which metric this threshold is applied to, and I have no evidence that the approach is supported by policy. Nevertheless, the Framework prohibits disproportionate additions over and above the *size* of the original building [my emphasis] without specifying a metric. Even if assessed on footprint alone, when taken together the existing and proposed extensions amount to a substantial addition which I find to be disproportionate over and above the size of the original building. Whether the proposed addition is disproportionate to its setting is not a factor in whether it constitutes inappropriate development in the Green Belt.
9. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with Policy GBR1 of the Local Plan, and with the Framework.

Openness

10. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The proposed extension would comprise a building where one did not previously exist and, as such would have a spatial effect on openness. Though not visible from the road, the extension would be visible from neighbouring homes and gardens, as well as from the land behind the site and so has a visual effect on openness. Given the above, the proposal would result in a harmful loss of openness, albeit one which would be limited given the scale of the proposal.

Other considerations

11. The appellants state that had they had the opportunity to revise the appeal scheme they would have amended it so that it was within the limits of permitted development. On this basis there is a greater than theoretical possibility that if the appeal does not succeed, an alternative form of extension will be carried out. In order to attract weight in favour of the development such a fallback would need to be shown to be significantly more harmful than the appeal scheme.
12. The parties are agreed that an extension of the same dimensions could be erected on a slightly different part of the rear elevation as permitted development. However, such an extension would have the same impact on the openness of the Green Belt as the appeal scheme.

13. The appellants argue that a larger extension of up to two storeys could be erected as permitted development. However, there is no evidence before me of this alternative in the form of plans or other details. Therefore, I am unable to conclude with any certainty what impact this alternative would have on the openness.
14. To conclude on the matter of fallback I do not find that any of the options before me have been shown to be more harmful to openness than the appeal scheme. Thus, the potential fallback attracts limited weight in favour of the appeal.
15. The Council refers to the potential for a larger extension with a greater impact on openness to be erected as a prior approval application. There is no evidence before me to suggest that the appellants would pursue this option. Consequently, it also attracts limited weight in favour of the appeal.

The Green Belt Balance and Conclusion

16. The proposal would constitute inappropriate development in the Green Belt and would harm openness. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight, and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. The other considerations in this case are not sufficient to comprise the very special circumstances necessary to justify this development. The development is contrary to Policy GBR1 of the Local Plan, and with the Framework, which seeks to protect the Green Belt.
17. I have considered all other matters raised but none outweigh the conclusions I have reached. 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. The appeal is dismissed, therefore.

A Knight

INSPECTOR