



Appeal Decision

Site visit made on 11 November 2024

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/J1915/D/24/3341239

95 Pye Corner, Gilston, Harlow, Essex CM20 2RD

- 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 William King against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/2463/HH.
 - The development proposed was described as 'rear upward extension atop existing ground floor structure, rear structure is to become 2 storeys with gable end and pitched roof'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt;
 - if it is inappropriate development, its effect on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of No.95 Pye Corner and the local area; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to very special circumstances required to justify the proposal.

Reasons

3. The appeal site is No.95 Pye Corner which is one half of a pair of semi-detached two-storey houses and its long back garden. It is within a small built-up area of mainly residential frontage development in the countryside known as Pye Corner, part of the scattered village community of Gilston. Development is restricted here because, amongst other things, the open character of the village makes an important contribution to the openness of the Green Belt. The Council is also concerned about individual and cumulative effects of extensions on the character and appearance of dwellings and this local area. The proposed first floor rear extension would be built over an existing ground floor rear extension.

Whether inappropriate development

4. Policy GBR1 of the East Herts District Plan, October 2018 (EHDP) states that planning applications in the Green Belt will be considered in line with the provisions of the National Planning Policy Framework (NPPF)¹. NPPF paragraph 154 c) is the

¹ December 2024

most relevant policy in this appeal. It sets out that development in the Green Belt is inappropriate unless it is for 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. The NPPF defines 'original building' as it existed on 1 July 1948 or, if constructed after that date, as it was built originally². Either way, in order to control successive, piecemeal erosion of the Green Belt the starting point is not the existing building.

5. The appellant has not provided any calculations, such as original, existing or proposed footprint, floorspace or building volume. Nor do the plans show all dimensions of the existing and proposed building or a scale bar. I have, therefore, used the Council's figures. I have not been informed when No.95 was built but evident Victorian features suggest it was well before 1 July 1948. Even if it had been extended after it was built, prior to this date, there is no evidence to contest the Council's view that its historic plotting sheets show it was then still a much smaller building with few additions.
6. The Council granted planning permission in 2010 for 'extensions to side and rear of the existing dwelling'³. The footprint of the original building increased from 28.3 sqm to 87 sqm to form the existing building with over a 200% change, if that is what has been built (there is no evidence to suggest otherwise). While footprint would not change, floorspace has already increased from 40.8 sqm to 115.5 sqm and the proposal would result in a building of 137 sqm, so a cumulative change of more than 200%. The original building volume would also change by a cumulative increase of 200%. By either of these measures there would therefore be significant enlargement and a substantial increase in the overall size of the original building.
7. Consequently, notwithstanding that the proposal is for an extension of a building, I find that it would result in disproportionate additions over and above the size of the original building. It therefore fails to meet the exception at NPPF paragraph 154 c) and would be inappropriate development in the Green Belt. Accordingly, it is also contrary to EHDP Policy GBR1.

Effect on openness

8. The proposed extension would not reduce the undeveloped ground level area of the back garden. It would also be constructed above an existing part of No.95 at the rear of the house, which is also inset lower down because land gradient reduces from the road at the front.
9. However, it would establish a large external envelope of additional built form, sited high up at first floor and roof level, where there is none at present nor (in the absence of evidence to the contrary) was there in the original building. This part of the site would no longer be 'open' in any equivalent or comparative sense to its existing condition, not even close.
10. Although glimpsed, this innate permanent spatial presence would also have visual presence to one side of No.95 in public view from the elevated pavement level, through the reasonably wide gap between it and an adjoining house. This change to existing circumstances by loss of openness would also be noticed by occupiers of houses on both sides of No.95 in views from back gardens or rear windows.

² Annex 2: Glossary

³ Ref 3/09/1635/FP

11. As a result, I find that the proposal would have a small adverse effect on the openness of the Green Belt, which is one of its essential characteristics. Albeit within the confines of the back garden, this upward and outward spread of built form would not safeguard the countryside from (this) encroachment, which is a purpose of the Green Belt. Consequently, the proposal conflicts with NPPF paragraphs 142 and 143 c) and is also contrary to EHDP Policy GBR1.

Character and appearance

12. Due to the previous two-storey side extension, the existing rear extension is wide, so stretches across most of the back of No.95 and projects in-depth a significant distance away from this elevation. Despite a gable end and unusually high eaves level, the overall size, scale and siting of this already large extension is tempered by its single-storey form and relatively low pitch of the roof. This also diminishes the impact of a fundamental change in the floorplan of the house from rectangular to L-shape. This preserves a meaningful sense of subservience to the main two-storey front part of the house which can still be appreciated as distinctly different to the rear extension. The width and depth of a rear extension at No.95 would not change and the new roof would reflect the roof of the existing rear extension in form and pitch. It would also match the slope of the main hipped roof of the house.
13. However, the new roof would not be stepped very far below the main roof of the house at ridge and eaves level, so not have any meaningful articulation or differentiation with it. Moreover, a long ridgeline would run from about the centre of the main roof, back across and perpendicular to the alignment of the house, terminated by a gable high up in this part of the resulting building. Nor would the side elevations be inset any further away from each side of No.95 than the existing rear extension, which is very close to the east flank elevation. While it would be no closer to adjoining houses or back gardens in the sense of a vertical line drawn up from the sides or end of the existing rear extension at ground level, the proposed extension would be in significantly closer proximity to the first floor and roof parts of each adjoining house. The absence of any side facing windows and (despite the large, glazed Juliette balcony) otherwise seamless plane of the end elevation to the triangular top of the gable, would appear bland and imposing in form.
14. Some other dwellings, similar in size or age to No.95, at Pye Corner have two-storey rear extensions or were built with two-storey rear wings. But I have not been informed that any of these are directly comparable to No.95 and the proposal in this appeal. For instance, the two-storey rear extension in the other half of this semi-detached pair of houses is significantly narrower and lower with a flat roof. There is no evidence of previous extensions to the house on the other side of No.95, which may have been relevant to the scope for planning permission to extend it, including at two-storey level to the rear. In the absence of evidence to the contrary, the prevailing pattern and arrangement is of mainly modest dwellings as they appear in the streetscene with obviously subordinate rear extensions.
15. The proposed extension would, therefore, largely obliterate any remaining semblance of the existing two-storey part of the rear elevation and unduly reinforce an overwhelming presence of the L-shaped floorplan. This substantial protrusion of bulky built form would be further exacerbated by the lower ground level in the back garden and also accentuate the height increase. The size, scale and siting of the proposed extension would also have an overly dominating, incongruous presence,

out of keeping with No.95 and at odds with residential buildings in this local area. This would be apparent in the public and semi-public views referred to earlier.

16. I therefore find that the proposal would adversely affect the character and appearance of No.95 Pye Corner and the local area. Consequently, it does not comply with EHDP Policies DES4 or HOU11 nor Policy AG1 of the Gilston Area Neighbourhood Plan, May 2021 (GANP). These policies include that extensions to dwellings must be of a high standard of design and layout to reflect the context of development in the Gilston area and promote local distinctiveness, having regard to scale, height, massing (volume, shape), size and siting and should generally appear as a subservient addition to the dwelling.

Other considerations

17. A large tract of mainly countryside, including some bordering the appeal site to the north, has been released from the Green Belt. This is to facilitate a 'Garden Town' including several new interlinked villages. The appellant informs me that planning permission has been granted for (some or all of) this strategic allocation. However, existing development at Pye Corner, including the appeal site, is not part of it or been taken out of the Green Belt⁴. It would also remain separated from Harlow town to the south by a wide swathe of countryside still in the Green Belt. I do not anyway know exactly where new development is actually proposed in relation to the appeal site. While there would be a pronounced change to that land and likely at the interface with existing development, these circumstances would not mitigate the localised harm identified in the main issues above. As such, this consideration has little weight in support of the appeal.
18. The extension would provide additional and re-configured living accommodation, including to meet modern standards. While this would also endure for future occupiers of No.95, there is no evidence that the proposal is the only way to achieve these outcomes. This personal preference of the appellant would be a private benefit whereas planning operates in the wider public interest, so this consideration has little weight in support of the appeal.
19. The Council did not otherwise object to the proposal for any other reason, including that the appeal site is not in a Conservation Area and the proposal would not change the density of development on it (dwellings per hectare) or at Pye Corner. This is a neutral factor in my decision.

Green Belt Balance

20. The proposal is inappropriate development in the Green Belt, by definition harmful to the Green Belt and should not be approved except in very special circumstances. As is also required by the NPPF, I give substantial weight to any harm to the Green Belt, which in this case is modest, and very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations⁵. The significant harm to the character and appearance of No.95 and to the local area adds further notable weight against the appeal.

⁴ GANP

⁵ NPPF paragraph 153

21. The other considerations outlined above do not, therefore, individually or collectively clearly outweigh the totality of the harm. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

22. The proposal conflicts with local and national planning policy designed to protect the Green Belt. There are no other material considerations to indicate that the appeal should be determined otherwise than in accordance with the development plan taken as a whole. Consequently, for the reasons given above the proposal is unacceptable and the appeal does not succeed.

Robin Buchanan

INSPECTOR