
Appeal Decision

Site visit made on 27 November 2024

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2025

Appeal Ref: APP/J1915/D/24/3345760

5A Bluebell Walk, Sawbridgeworth, Hertfordshire CM21 0JQ

- 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 Stephen Grayston against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/0495/HH.
 - The development proposed is the addition of half storey and dormers to existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - : whether the proposal is inappropriate development in the Green Belt.
 - : The effect of the appeal scheme on the character and appearance of the area.
 - : The effect of the appeal scheme on the living conditions of the occupiers of the adjacent properties, with particular regards to privacy.
 - : If the proposal is inappropriate development, 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 required to justify the development.

Reasons

Green Belt

3. The proposal would add to the height and scale of the property, creating an additional floor of accommodation, incorporating dormer windows, in the new roof space of the property which is located in the Green Belt. The property itself results from the conversion of a detached double garage.
4. Policy GBR1 of the East Herts District Plan 2018 (the Local Plan) requires that Green Belt development complies with national policy. The National Planning Policy Framework (the Framework) states¹ that, other than where a small number of exceptions apply, development in the Green Belt is inappropriate. The exemption relevant to this appeal is c) the extension or alteration of a

¹ National Planning Policy Framework paragraph 154.

building provided that it does not result in disproportionate additions over and above the size of the original building.

5. The Framework does not specify a figure as to what represents a disproportionate addition. The appellant refers to the “distinctly built-up character” of this locality, the predominance of two storey dwellings and, amongst other matters, that the appeal scheme would not extend the footprint of the dwelling.
6. On the other hand, the submitted plans show that the works proposed would result in a substantial increase in size and scale of the dwelling compared to the original dwelling. In particular the plans show a significant increase in the eave’s height and roof height and scale of the dwelling. The Officer’s report identifies that amongst other matters, the appeal scheme would increase the volume of the original dwelling from 236.72 to 579.75 m³, an increase of “approximately 145%”.
7. While I acknowledge that no increase in the footprint of the dwelling is proposed, I am nonetheless satisfied that as a result of the significant increase in the volume and apparent size of the building, the appeal scheme is a disproportionate addition over and above the size of the original building.
8. The proposal does not therefore fall within the exception c) of paragraph 145 of the Framework with regard to extensions in the Green Belt and is therefore inappropriate development in the Green Belt. As a result of the increase in the size and scale of the proposed dwelling, the appeal scheme would also result in a reduction in the openness of the Green Belt.
9. I therefore find that the appeal scheme is inappropriate development in the Green Belt and is contrary to policy GBR1 of the Local Plan and the provisions of the Framework.

Character and appearance

10. I saw at the site visit that there is a variety of dwelling types in the local area, though as noted by the appellant, these appear to be predominantly two storey dwellings.
11. However, the existing modest dwelling is located to the rear of properties fronting on to Bluebell Walk and High Wych Road on what appears to be a previously subdivided plot. As a consequence, the appeal site is located in a small area where the urban grain is already tighter than that found elsewhere in the local area with other built development in close proximity. The modest size and scale of the existing dwelling is reflective of this situation.
12. The appeal scheme proposes the raising of the roof, insertion of dormer windows and consequently a significant increase in the height, size and scale of the dwelling on the appeal site. The resulting dwelling, as shown on the submitted plans, shares many of the characteristics of the dwellings situated on Bluebell Walk.
13. However, because of the location of the appeal site on a plot to the rear of the main street I find that the resulting scale and size of the appeal scheme would fundamentally change the modest scale of the existing dwelling, harming the character and appearance of the area. As such I find that the appeal scheme is

contrary to Policies HOU11 and DES4 of the Local Plan that amongst other matters seeks a high standard of design that reflects and promotes local distinctiveness.

Living Conditions

14. The dwelling on the appeal site is located in close proximity to the boundaries of the site and therefore to a number of other residential houses and their gardens. The dormer windows inevitably face towards the boundaries of the appeal site and those other properties. Therefore, the appeal scheme holds the potential to overlook these properties resulting in a loss of privacy for the occupiers.
15. In particular, a first-floor window is identified by the council as allowing views towards the rear garden of No.119 High Wych Road at a distance of some 6m to the shared boundary with that property.
16. The local plan does not include any specific standard for separation distances, nor does it qualify the degree of overlooking that is acceptable. I note the use of the room is shown on the submitted plans to be a bedroom, though I do not agree with the appellant that the 'normal use' of this room would inherently lead to there being no significant loss of privacy.
17. The appellant details that there is a separation distance of some 32m to the dwelling at no.119 and therefore the degree of the loss of privacy is mitigated by this distance and the mature landscaping to the boundary. The mitigating effect of the latter is reduced somewhat by the height of the proposed window.
18. The proximity of the dwelling on the appeal site to the neighbouring properties and the introduction of windows to the first-floor level means that there is an inherent risk that the appeal scheme will harm the privacy of the occupiers of the neighbouring properties. While there are a number of mitigating factors referred to above, I am not satisfied that it has been demonstrated that the appeal scheme will not harm the living conditions of the occupiers of neighbouring properties with particular regards to privacy.
19. As such I find that the appeal scheme is contrary to policy DES4 of the Local Plan in this regard.

Other considerations

20. The appellant's Statement of Case refers to the appeal scheme as enhancing the standard of the residential accommodation available to the future occupiers of the appeal property. Furthermore, the appellant identifies that the appeal scheme makes use of an existing property, and that the construction work would generate some limited economic benefit.
21. I acknowledge that these are material considerations that weigh in favour of the appeal scheme, but I do not find that they individually or cumulatively outweigh the harms I have previously identified.
22. The appellant has made reference to another development, the 'demolition of dwelling and outbuilding and erection of a four-bedroom dwelling' at Rowney Bois High Wych Road I do not have all of the details of this development and in any event, I have judged the appeal on its own merits.

Conclusions

23. The Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and substantial weight should be given to that harm. It advises that approval for inappropriate development will not be given, except in very special circumstances. These 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.
24. The works would represent inappropriate development, and the greater scale of built development would reduce openness. Other harm would result from the harm to the character and appearance of the area and the harm to the living conditions of the occupiers of a neighbouring property through the loss of privacy.
25. The appellant identified specific benefits to the future occupiers of the property through the improvement of the residential accommodation on offer, environmental benefits through the use of an existing property and some economic benefit derived from the construction work. I have had regard to these considerations, but they would not clearly outweigh the harm from inappropriateness.
26. There are no considerations that represent the very special circumstances that would be necessary to justify the development. It would therefore be contrary to the policies of the Framework, relating to the Green Belt, that indicate that the development should not be approved. As such, it would also conflict with the Local Plan when read as a whole. I therefore dismiss the appeal.

Mr M Brooker

INSPECTOR