



Appeal Decision

Site visit made on 9 April 2025

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 May 2025

Appeal Ref: APP/J1915/D/24/3355616

The Dormers, Bonks Hill, Sawbridgeworth, Hertfordshire CM21 9HU

- 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 Mr and Mrs Cashmore against the decision of East Herts District Council.
 - The application Ref. is 3/24/1178/HH.
 - The proposed development is two storey side extension to an existing single dwelling with a partial front extension. Demolition and rebuilding of existing porch. The proposed extension will include a car port on the ground floor with bedrooms above. External materials to the house to be changed.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side extension to an existing single dwelling with a partial front extension. Demolition and rebuilding of existing porch. The proposed extension will include a car port on the ground floor with bedrooms above. External materials to the house to be changed, at Dormers, Bonks Hill, Sawbridgeworth, Hertfordshire CM21 9HU in accordance with the terms of application reference 3/24/1178/HH and subject to the following conditions:
 - 1) The development hereby permitted shall be begun within three years of the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1157/EX00 (1:1250 location plan), 1157/EX01 (existing ground and first floor plans), 1157/EX02 (existing elevations), 1157/PR00 (proposed block plan), 1157/PR01 (proposed ground and first floor plans), 1157/PR02 (proposed elevations), 1157/PR04 (existing and proposed roof plans) and HA/DOR/01 (Tree Protection Plan).
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) No development shall take place on site, including site clearance, tree works, demolition or any other works, until details of the safe retention and protection of on-site trees and any relevant off-site trees within an Arboricultural Method Statement (AMS) in accordance with BS 5837:2012 Trees in Relation to design, demolition and construction, have been submitted to and approved in writing by the Local Planning Authority. The AMS shall include a detailed Tree Protection Plan including position and dimension of protective fencing and if necessary ground protection, details of level changes, demolition and construction techniques, location of services and drainage, design detail of structures and

foundations and control of any potentially damaging operations such as burning, storage and handling of materials and access and parking of vehicles during construction. Details of supervision of key stages should also be included. The development shall thereafter be carried out in accordance with the approved statement.

- 5) The extension hereby permitted shall not be occupied until the window in the first-floor side (south) elevation of the proposed extension as shown on drawing no. 1157/PR02 has been fitted with non-opening obscure glazing of obscurity level 3 up to 1.7 metres above finished floor level and permanently retained as such thereafter.

Main Issues

2. The main issues are

- Whether the proposal would be inappropriate development in the Green Belt, including the effect on openness of the Green Belt and purposes of including land within it, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies.
- If found to be inappropriate, 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 site comprises a large detached chalet style dwelling set back from the road behind mature landscaping and gated access. A detached open fronted barn style car port is located in the front garden and a detached garage is located to the rear of the dwelling, with a further single storey garden room building located towards the rear part of the garden. The site lies within the Green Belt.
4. The proposal includes the extension of an existing dwelling. The Framework states at paragraph 154 that development in the Green Belt is inappropriate unless one of a number of listed exceptions apply. These include 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. Policy GBR1 of the East Herts District Plan (2018) (EHDP) states that development proposals within the Green Belt will be assessed in accordance with government guidance contained in the Framework. Neither the Framework nor EHDP Policy GBR1 define what is to be considered as a 'disproportionate' addition.
5. The main parties agree that the size of the original building is that which was permitted in 1982 comprising the dwelling, as currently exists, and a detached garage located in the front garden permitted under the same permission. However, the Council states that the existing building to the front of the property is pursuant to a later permission in 2004, therefore not part of the 'original building' and that two further outbuildings have been built in the rear garden. The first, a detached garage, located just to the rear of the dwelling, was effectively a replacement of the originally permitted garage, therefore I am satisfied that it should be considered as part of the 'original building'. Thus, in this particular case I consider that the

baseline against which the subsequent additions should be measured is the existing dwelling and detached garage located to the rear.

6. The other outbuilding is a single storey garden room that is located over 20 metres from the dwelling towards the rear part of the garden. The Council suggests that this building should also be included as an 'addition' to the original building and refers to case law in support of this approach¹. However, having regard to that judgement it is a matter of fact and degree as to whether outbuildings can be considered to be extensions of other buildings even when they may not physically be connected to the host dwelling. In this case, the outbuilding is located a considerable distance from the dwelling, separated from it by other garden features and planting, such that both physically and visually it has the appearance and function of a garden building. Given this, based on my observations on site and the evidence before me, it is clearly perceived as an outbuilding rather than as an extension to the dwelling.
7. On the above basis, only the detached garage to the front of the property and the extensions now proposed are additions to the original building which should be included within the assessment of whether the proposal results in disproportionate additions to the original building. Based on the information before me, the proposal would result in an increase of 30.7% in floorspace and 29.4% in footprint when compared to the original dwelling.
8. In light of the above, the proposal would not result in disproportionate additions over and above the size of the original building. Therefore, it would not be inappropriate development in the Green Belt. It would not be contrary to the Framework in this regard nor would it conflict with EHDP policy GBR1.

Green Belt openness, purposes and very special circumstances

9. A finding of the acceptability of the proposal on the openness of the Green Belt and the purposes of including land within it is implicit in a finding of it not being inappropriate development. I am not therefore required to consider these matters further. As I do not find that the proposed development would be inappropriate, there is also no requirement to consider whether very special circumstances are demonstrated in this instance.

Conditions

10. The Council has suggested a number of conditions which I have reviewed in the light of Framework paragraphs 56 and 57. In addition to the standard time limit condition, a condition to refer to the approved plans is necessary in the interests of clarity, as is a condition to require matching materials in the interests of the visual amenity of the area. A condition to require the use of obscure glazing to the flank window is also necessary to protect the privacy of occupiers of the adjoining dwelling. A condition to require the submission and approval of an Arboricultural Method Statement to include detailed tree protection measures and details of supervision at key stages of construction is necessary in order to ensure that all trees affected during the construction process, including those covered by the Tree Preservation Order, identified by the supporting Arboricultural Impact Assessment and provisional Tree Protection Plan, are adequately protected and impacts

¹ Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe [2022] EWHC 2145 (Admin)

minimised. The Appellant has agreed to the imposition of such a pre-commencement condition.

11. The Council has also set out an informative note in relation to ecology matters. However, such notes would have no legal effect, and I have not, therefore, included it in the decision. Nonetheless, the appellant has had sight of it and should, therefore, be aware of its contents.

Conclusion

12. For the above reasons I conclude that this appeal should be allowed and planning permission granted.

P B Jarvis

INSPECTOR