

Appeal Decision

Site visit made on 15 November, 2016

by **S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: **30th January, 2017**

Appeal Ref: APP/J1915/W/16/3155858

Clinton, Poles Lane, Thundridge, Hertfordshire, SG12 0SQ

- 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 M Cooper against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/2553/FUL dated 21 December, 2015 was refused by notice dated 16 February, 2016.
 - The development proposed is described as conversion, with alterations and extension, of a Victorian outbuilding to residential use.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The description of the development on the appeal form is different from that on the original application, and has been changed, with the approval of the Council, to "demolition of outbuilding, conversion and extension of outbuilding to create one number three bedroomed dwelling". I have determined the appeal on the basis of the revised description.

Main Issue

3. The site falls within the Green Belt, and accordingly the main issues are:
 - a) Whether the development would constitute inappropriate development in the Green Belt;
 - b) Its effect on the openness of the Green Belt and the purposes of including land in it; and
 - c) If the development would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify it.

Reasons

The development plan

4. The development plan for the purposes of this appeal is the East Herts Local Plan Second Review 2007 (the LP). Although Policy GBC1 concerns development in the Green Belt, it pre-dates the National Planning Policy
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Framework (the Framework) and I have therefore attached greater weight to the approach to the Green Belt set out in the Framework.

Whether the development would constitute inappropriate development in the Green Belt

5. Clinton is a modern bungalow with a very large garden set in the former grounds of Sprangwell, a substantial, listed nineteenth century house now subdivided to create three separate dwellings. The appeal proposal is for the extension of the existing garden building originally associated with Sprangwell, through replacement of the existing conservatory element with a larger structure, and through replacement of the former modern pool room of lightweight construction to the north of this, and creation of a linking structure between the two to create a single-storey, two bedroom house.
6. Paragraph 89 of the Framework says that the construction of new buildings in the Green Belt should be regarded as inappropriate, and sets out the exceptions to this, which include extension or alteration of a building provided it does not result in disproportionate additions over or above the original building; and limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.
7. Clinton sits at the end of Poles Lane which is sparsely developed, facing open space and with open countryside to its side and rear. As it is not located in a built-up area, following a recent High Court judgement¹ it is not excluded from the definition of previously developed land.
8. However, the creation of a new residential curtilage, through the material change of use of the extended garden building from an ancillary outhouse to a principal building is a change of use within the Green Belt for which the Framework makes no provision, and for this reason the proposal amounts to inappropriate development within the Green Belt.
9. The pool room which would be removed is currently incidental to the primary residential use of Clinton. Its removal and replacement with a building with a new use as part of an independent dwelling could not as a result be considered as a replacement building under the fourth bullet point of Paragraph 89 of the Framework. It would therefore, form part of an extension to the garden building. This extension would approximately double the size of the building, and could not, as a result, be considered not to result in a disproportionate addition. The appeal development would therefore be inappropriate for this reason also.
10. Paragraph 87 of the Framework sets out the general presumption against inappropriate development which, it advises is by definition harmful to the Green Belt, and should not be permitted except in very special circumstances.

Its effect on the openness of the Green Belt and the purposes of including land in it

11. The appeal proposal also includes the demolition of a double garage and small greenhouse, and the figures supplied by the appellant indicate that the re-used and replacement buildings between them would have a smaller footprint than

¹ Dartford Borough Council v Secretary of State for Communities and Local Government [2016] EWHC 635

the existing buildings on the site. However, by massing these elements into a single building, disproportionately larger than any single one of the pre-existing individual buildings the appeal proposal would have a harmful effect on openness.

12. The site has a strong boundary treatment in the form of high leylandii hedges sitting inside high stock brick walls. Although the hedges could in theory be removed, the removal of the walls is much less likely in the interests of privacy, and it is reasonable to expect that these at least would be a feature of this part of the Green Belt for the long term. I consider that the proposed dwelling would remain screened by these boundaries, and contained from encroaching into the open countryside, which would limit its harmful effect on the openness of the Green Belt. Nonetheless, harm would still exist by virtue of the size of the building.
13. The effect on openness may go beyond physical works to encompass activities around a building. The garden building was formerly used as a child minding facility for up to fifteen children associated with the host dwelling, although this use is now in abeyance. Levels of movement to and from the appeal dwelling would be likely to be significantly less than from that approved use, but slightly greater than those generated by a Clinton as a single dwelling. The current use of the appeal site for purposes incidental to the main dwellinghouse carries the likelihood of accumulation of domestic paraphernalia, which would continue in relation to the appeal dwelling. I conclude therefore that the proposal would have some harm on openness in respect of these factors, but that it would be limited.
14. Although there would be some screening effect from the appeal building's immediate setting, I consider that the harm caused to the openness of the Green Belt would nonetheless be significant. Paragraph 88 of the Framework advises that any harm to the Green Belt should be given substantial weight.

Other Considerations

15. The Framework at Paragraph 131 requires that in the determination of planning applications, account should be taken of the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation. Paragraph 135 of the Framework requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.
16. The group of structures including the garden building and walls, including the relatively rare Hitch bricks, date from the nineteenth century and were associated with Sprangwell house and grounds before their subdivision. They therefore possess some historic interest as undesignated heritage assets and some weight should therefore be given to their conservation.
17. The applicant suggests that the appeal proposal will find a new viable use for the Victorian garden building, and that it would also include removal of the existing Upvc windows and polycarbonate sheet roof, and repair of the boundary wall which would better reveal the original character of these structures.
18. However, alterations to the garden building, and particularly the extension to the southern elevation would also subsume this original character. The Hitch

bricks are largely located on the outside of the boundary walls to the garden, which would not be affected as part of the appeal proposal. This is therefore a benefit to which I attach limited weight.

19. It is agreed between the parties that the absence of a five year deliverable housing land supply is a consideration which in itself is not able to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

Very Special Circumstances

20. Paragraph 88 of the Framework advises that that "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.
21. I have concluded that the proposal would be inappropriate development, and would therefore, by definition, be harmful to the Green Belt. I have, also concluded that the proposal would cause moderate harm to the openness of the Green Belt. No consideration of any other harm has been put before me, and I have not identified any other harm arising from the proposal.
22. On the other hand, I have concluded that the proposal would present some benefits in securing the repair and sensitive restoration of a small group of undesignated heritage assets, but that these would be limited.
23. The substantial weight given to the harm arising from inappropriate development is not therefore clearly outweighed by other considerations so as to justify the proposal by virtue of very special circumstances.

Conclusion

24. For the reasons given above and taking into account matters raised, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR



Appeal Decision

Site visit made on 15 November 2016

by **S J Buckingham BA (Hons) DipTP MSc MRTPI FSA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28th December 2016

Appeal Ref: APP/J1915/W/16/3156362

18 Brook Lane, Sawbridgeworth, Hertfordshire, CM21 0EL

- 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 John Eaton against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/0303/FUL, dated 8 February 2016, was refused by notice dated 20 April 2016.
 - The development proposed is construction of a bungalow in the rear garden of no. 18 Brook Lane, the access to the proposed dwelling will be from Brookfields.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The setting of the appeal site on Brook Lane consists of detached houses with substantial back gardens. Brookfields is a relatively narrow, lane-like road, which runs along the rear boundaries of these gardens as they slope upwards from Brook Lane. Their boundary with Brookfields consists of a long run of fences and hedges, broken only occasionally by pedestrian or vehicle gates. Buildings close to this boundary include modest outhouses or garages. To the north of Brookfields are large detached houses behind generous front gardens bounded with beech and other hedges. The character of the area is, therefore, open and green overall.
 4. The appeal dwelling would be inserted into the rear garden of 18 Brook Lane, with a new access created on to Brookfields. It would occupy nearly the full width of the plot and would be fronted by a large area of hard surfacing to create two parking spaces. It would require the removal of the existing hedge and creation of a dropped kerb.
 5. The appeal proposal would therefore introduce a new dwelling fronting the south side of Brookfield. The new access and building behind would interrupt the largely continuous and partially greened boundary and would be inserted into an otherwise secondary frontage. It would therefore appear as an
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- anomalous and intrusive insertion, which would be at odds with the existing character and appearance of the area.
6. While the height of the proposed bungalow would be modest, it would have a footprint similar to that of 18 Brook Lane. Although dwellings along Brook Lane have extensions, garages and outhouses, their back gardens remain generous in size. The appeal dwelling would have a garden to the rear which would be conspicuously small in comparison to these, as would the truncated garden to be provided to no. 18 Brook Lane. Being visible from the host dwelling and from other adjoining properties, it would therefore create a cramped appearance to the proposal and to the host dwelling, which would conflict with the spacious character and appearance of the area.
 7. Land to rear of 12 Brook Lane has been subdivided to create 1 and 2 Applegate, but these houses face on to London Road and do not relate to the character of Brookfield. Windy Ridge sits at the end of Brookfield, but is located down the slope from the road, with well planted boundaries and parking set back to the rear of the site. Adjoining it is a hardstanding and access to the rear of no. 14 Brook Lane, also set behind a well planted boundary. Their effect on the character of Brookfield are therefore limited and not significantly harmful. The appeal property is more centrally located and would entail both an area of hardstanding with parking and a building close to the boundary, and its impact would therefore be more pronounced.
 8. I have had regard to the appeal decision put before me by the Council, and consider that, although it is from some time ago, the quality of the prevailing sense of enclosure and quietude identified at that time has not significantly diminished over time, notwithstanding some incremental changes since. I have also noted the changes to properties along Brook Lane pointed out by a number of local residents but do not consider that these have a bearing on the character and appearance experienced along Brookfield.
 9. The appellant refers to a number of developments elsewhere in Sawbridgeworth where dwelling have been constructed in within the curtilage of existing dwellings, however no detailed information on these has been put before me, and this does not therefore cause me to alter my decision that the appeal proposal would cause significant harm to the character and appearance of the area.
 10. The policies of the pre-submission District Plan could be subject to change, and I can therefore accord them only limited weight. As the appeal proposal would harm the character and appearance of the area, it would therefore conflict with saved Policy HSG7 of the East Herts Local Plan Second Review 2007 (the LP) which seeks infill development which is well-sited in relation to surrounding buildings and does not appear obtrusive or over intensive; and Policy ENV1 of the LP which requires that development proposals should reflect local distinctiveness.

Planning Balance

11. The appellant has indicated that the Council is not able to demonstrate a five year housing land supply, and that local plan policies related to the supply of housing can therefore be considered to be out of date. The Council has not contested this. Paragraph 14 of the Framework states that where relevant policies are out of date, the presumption in favour of sustainable development

means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

12. The Framework defines the three dimensions to sustainable development, social, economic and environment. The Framework is clear that sustainability should not be interpreted narrowly, and that the dimensions of sustainable development are mutually dependent and should be sought jointly and simultaneously through the planning system.
13. The appeal proposal would make a contribution towards the supply of housing in the district, although the addition of a single dwelling would be a small one, and I therefore accord it limited weight. There would be some short term economic benefit arising from the construction of the appeal dwelling, and a small contribution to the viability of the area, to which I also accord limited weight. However, the harm I have identified above to the character and appearance of the area significantly and demonstrably outweighs these benefits, and I conclude that the proposal would not therefore comply with the requirements of the Framework in terms of sustainable development.

Conclusion

14. For the reasons given above, and taking into account matters raised, therefore, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR

Appeal Decision

Site visit made on 1 December 2016

by **Thomas Hatfield BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th January 2017

Appeal Ref: APP/J1915/W/16/3157439

Land adjacent 14 New Road, Ware, Hertfordshire, SG12 7BS

- 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 M J Warner against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/0531/FUL, dated 3 March 2016, was refused by notice dated 21 April 2016.
 - The development proposed is construction of two 3 bedroom dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) Whether the development would preserve or enhance the character or appearance of the Ware Conservation Area;
 - (b) The effect of the development on the setting of the Grade II Listed Maltings buildings; and
 - (c) The effect of the development on the living conditions of future occupiers with regard to access to private amenity space.

Reasons

Conservation area

3. The appeal site is located within the Ware Conservation Area, which comprises the historic core of the town. The conservation area is well defined and contains a concentration of historic buildings that mostly date from the 16th to 19th centuries. The malting industry was important to the historic development of Ware and during the 18th and 19th centuries it was amongst the most important towns in the country for this industry. The conservation area appraisal places the appeal site within Identity Area 3. This area includes concentrations of non-listed buildings of architectural and historic interest. In this regard, the Victorian cottages at Nos 9 - 25 New Road, located opposite the appeal site, are identified in the conservation area appraisal as making a positive contribution to the area.
 4. The proposal would involve a reduction in height to the boundary wall fronting onto New Road. This is a currently around 2 metres high, and is positioned at
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the back edge of the pavement. The Council state that the loss of part of this wall is not justified in the context of the current proposal. However, I note that the approved scheme to convert the Central Maltings to residential use (ref 3/13/1682/FP and 3/13/1683/LB) already provides for a reduction in height to this wall. The wall is therefore likely to be removed in any event, and this appears to be necessary in order to provide a safe access for the residential conversion of the Central Maltings.

5. I consider that the proposed set back of the dwellings from the road would be acceptable in this case, given that the majority of properties along this part of New Road are located at the back edge of the pavement.
6. However, the proposed dwellings would be of a modern, suburban design, and would be tall in comparison to other properties along this part of New Road. They would also be prominent in views along the street from the north. The design and height of the dwellings would be at odds with nearby properties including the Victorian cottages opposite. In particular, the front elevations would poorly relate to the surrounding area, and the rear facing dormers would be unattractive features that would be located too high up the roof slope. Accordingly, the development would not represent good design and would appear out of keeping with the character and appearance of the area. Whilst there is some variation in the built form in this location, that would not justify a development with these shortcomings.
7. I conclude that the development would fail to preserve the character and appearance of the conservation area. This harm would be 'less than substantial' in the context of paragraphs 133 and 134 of the National Planning Policy Framework ('the Framework'). I return to the balancing exercise required by paragraph 134 in my conclusion, below.
8. For the above reasons, I conclude that the development would be contrary to Policies ENV1, HSG7, and BH6 of the East Herts Local Plan Second Review (2007).

Setting of the listed buildings

9. The Grade II listed former Maltings buildings are located to the rear of the appeal site. These are imposing structures of early 19th century construction that reflect the industrial history and architecture of Ware. They are attractive 3 storey buildings that contain malt stores at the eastern ends.
10. The appeal site is located in close proximity to the western elevations of all 3 Maltings buildings. As set out above, approval has already been granted to reduce the height of the existing boundary wall. Accordingly, views of the Maltings from New Road will be improved, and these buildings will have a greater presence in the street. In this context, the proposed dwelling would obscure both existing views of the Maltings and those views that will result from the lowering of the boundary wall. This would negatively affect the way they are experienced from New Road.
11. In addition, a number of the design issues I have identified above would have a bearing on the setting of the listed building. The excessive height of the dwellings, and the poorly designed rear dormers would result in an unsympathetic elevation facing the listed buildings. This would be prominent to occupiers of, and visitors to, the Maltings. In addition, the deep side

elevation of the proposed dwellings would reduce the attractiveness of the approach to the Maltings buildings from the west along the adjacent access route.

12. For these reasons, I conclude that the appeal proposal would harm the setting of the Grade II listed Maltings buildings. This harm would be 'less than substantial' in the context of paragraphs 133 and 134 of the Framework. I return to the balancing exercise required by paragraph 134 in my conclusion, below.

Living conditions

13. The proposed dwellings would be served by amenity areas to the rear. The location of the parking spaces would restrict the size of these amenity areas, particularly to the southernmost dwelling.
14. The proposed dwellings would each contain 3 bedrooms, and would therefore comprise family accommodation. Whilst there are no local standards that specify a minimum garden size, the adequacy of the amenity areas is clearly pertinent to the living conditions of future occupiers. In my view, the amenity space for the southernmost dwelling would be unacceptably small and inadequate to meet the needs of a family. Whilst the appeal site may be relatively close to nearby parks and open spaces, such facilities are not a substitute for private and secure garden space for family use.
15. I conclude that the development would have an unacceptable effect on the living conditions of future occupiers with regard to access to private amenity space. The development would therefore be contrary to Policy ENV 1 of the East Herts Local Plan Second Review (2007).

Other Matters

16. The appellant states that the Council has not demonstrated a 5 year supply of housing land. The Council has not responded to this point, and neither party has provided detailed evidence regarding the current position. In these circumstances, it is not possible to conclude whether the Council is able to demonstrate a 5 year supply. In any event, the appeal site is located within a conservation area. In this regard footnote 9 to paragraph 14 of the Framework identifies designated heritage assets as being subject to specific policies in the Framework that indicate development should be restricted.
17. A letter of support for the development was submitted by the Northern Maltings Residents Association. However, letters of objection were also received from local residents, and from the Town Council and the Ware Society. In these circumstances it appears that the proposal has divided local opinion.
18. There is a dispute as to whether the appeal site has been identified as an amenity space for the future occupiers of the Central Maltings. The full details of the previous permissions (ref 3/13/1682/FP and 3/13/1683/LB) are not before me, and it is therefore unclear how this land was envisaged to be developed. However, as I have found that the appeal fails against the main issues, this matter is not determinative in this case.
19. Pedestrian access to the dwellings would be provided directly onto New Road. Gates to connect the parking spaces to the rear gardens of the proposed

dwellings could have been installed to limit the use of the side access route. This could have been secured by condition.

20. I note that the Highway Authority considers that the provision of 2 spaces would be acceptable in this case. Given the proximity of the site to Ware Town Centre and Railway Station, I see no reason to take a different view.

Conclusion

21. I have concluded above that the development would cause less than substantial harm to both the conservation area and the setting of the Grade II Listed Maltings buildings. Set against this, the development would provide 2 dwellings in an accessible location that would contribute towards the supply of housing in the Borough. However, this would be a relatively modest public benefit that would not outweigh the harm I have identified. Accordingly, the development would not accord with guidance in the Framework relating to designated heritage assets.
22. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

Appeal Decision

Site visit made on 6 December 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22nd December 2016

Appeal Ref: APP/J1915/W/16/3158408

Land adjacent 26 Lea Close, Bishop's Stortford, Hertfordshire CM23 5EA

- 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 Taylor against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/0682/FUL, dated 4 November 2015, was refused by notice dated 16 May 2016.
 - The development proposed is new attached dwelling on land adjacent to 26 Lea Close.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Lea Close is a suburban residential cul-de-sac of predominantly detached properties on wide plots. A number of properties have been extended to the side at ground and/or first floor, but the overall character and appearance of the street remains spacious. Adjoining streets are characterised by terrace and semi-detached properties, but Lea Close has a distinctive character quite separate to its neighbours.
 4. The appeal site is adjacent to the only semi-detached properties on Lea Close, but even these two properties are wide houses on spacious plots comparable in width and depth to the detached houses on the cul-de-sac. The plot width at 26 Lea Close is not substantially larger than other properties.
 5. The proposed development would follow the architectural style and detailing of properties on Lea Close and would be set back from the front elevation of No 26, comparable to some of the side extensions along the cul-de-sac. However, unlike those extensions, it would result in a separate dwelling on a narrower plot, with the generous width of No 26's plot also reduced. It would have its own front door and boundary fencing at the rear indicating two separate dwellings. The four parking spaces at the front would emphasise an intensification of development with the associated loss of green space.
 6. The rear gardens, while providing adequate space for occupants of the existing dwelling at No 26 and the new dwelling, would be much narrower than most of the dwellings on Lea Close. The development would also create a terraced effect with Nos 26 and 27, which would be further at odds with the
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predominant detached form of the cul-de-sac. Based on the above observations, the development would be cramped and markedly out of keeping with the spacious character and appearance of the area.

7. Concluding on the main issue, the proposed development would cause significant harm to the character and appearance of the area. Therefore, it would not accord with Policies HSG7 and ENV1 of the East Herts Local Plan Second Review April 2007. Policy HSG7 seeks infill housing development that is well sited in relation to surrounding buildings and will not appear obtrusive or over intensive. Amongst other things, Policy ENV1 requires development that demonstrates compatibility with the structure and layout of the area and complements the existing pattern of plots and buildings. The development would also not meet the aims of the National Planning Policy Framework (NPPF) in terms of paragraph 58 and responding to local character.

Planning balance

8. The Council indicates that it cannot demonstrate a five year housing land supply. Therefore, in line with paragraph 49 of the NPPF, relevant policies for the supply of housing should not be considered up to date and the presumption in favour of sustainable development set out in paragraph 14 applies. Paragraph 14 states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as whole or specific policies in the NPPF indicate development should be restricted.
9. I consider that Policy HSG7 is a relevant policy for the supply of housing as it sets out criteria against which infill housing development will be judged. Therefore, in the context of this appeal, Policy HSG7 is not up to date. The amount of weight I can give this policy is reduced, but nevertheless it still carries some weight as it seeks to guide decisions on housing development in settlements like Bishop's Stortford.
10. Conversely, I consider that Policy ENV1 is not a relevant policy for the supply of housing as it does not specifically seek to create or constrain housing delivery. This policy is also broadly consistent with the NPPF, so can be afforded considerable weight.
11. Addressing the adverse impacts of the proposed development first, I have already found that there would be significant harm to character and appearance of the area through an overly intensive and incompatible form of development. The harm is tempered to some extent by Policy HSG7 not being up to date, but the conflict with the development plan, particularly Policy ENV1, remains important. For this reason, significant weight can be afforded to the adverse impacts of the proposed development
12. Moving to the benefits of the development, the provision of an additional dwelling would provide some benefit in a district where there is a shortfall of housing supply. There would also be some benefit to the local economy through the construction and occupation of the dwelling. However, these benefits are modest compared to the significant harm to the character and appearance of the area.

13. Therefore, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. In the circumstances, the presumption in favour of sustainable development does not apply and the proposal would not represent sustainable development.

Other Matters

14. I am aware of a number of other matters raised by third parties relating to this appeal. However, they have not led me to any different overall conclusion.

Conclusion

15. For the above reasons, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR

Appeal Decision

Site visit made on 18 January 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26th January 2017

Appeal Ref: APP/J1915/W/16/3162886

50 Elizabeth Road, Bishop's Stortford, Hertfordshire CM23 3RN

- 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 Christopher Stokes against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/1175/FUL, dated 17 May 2016, was refused by notice dated 14 July 2016.
 - The development proposed is the construction of a new 2 bed house attached to No 50 Elizabeth Road, Bishop's Stortford, Hertfordshire CM23 3RN.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new 2 bed house attached to No 50 Elizabeth Road, Bishop's Stortford, Hertfordshire CM23 3RN in accordance with the terms of the application, Ref 3/16/1175/FUL, dated 14 July 2016, subject to the conditions set out in the Schedule attached to this decision.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

3. The scheme is for a two-bedroom dwelling proposed to be added to a terraced property at the end of a row of seven three-bedroom houses. The new house would occupy the existing side garden to the host dwelling at No 50, which is situated at the junction of Elizabeth Road with Norfolk Way.
 4. The new house would be of a similar scale and design to the existing dwellings, attached to but set back slightly from the host property, with a somewhat reduced roof ridge and eaves height. The built character of development in this area is varied, with a mixture of terraces of smaller dwellings, some semi-detached and detached houses and parades of commercial premises.
 5. The appeal dwelling is part of a housing area built to a quite tight grain. The relatively high density of housing is relieved by quite substantial areas of public open space, such as the grassed areas with trees facing the appeal property on the opposite side of Elizabeth Road, in front of the parade of shops, and that to the east in front of Dean House.
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6. Compared to these more extensive public spaces the small area of hedged-in private garden space at the side of No 50 makes a more modest contribution to the general level of spaciousness in this area. The site could accommodate a small dwelling, extending the existing row of houses, without the proposal appearing cramped, particularly since it would form the new end of terrace property and not be an infill proposal.
7. The new dwelling would closely reflect the grain and pattern of the existing terrace and the loss of the small part of side garden would not have any material effect on the overall character of the surrounding area, in respect of its level of openness or spacious nature. Consequently this proposal would result in no material harm to the character and appearance of the street scene or that of the wider area.
8. Accordingly, the scheme would satisfy Policy HSG7 of the East Herts Local Plan Second Review 2007 (LP) in regard to not appearing obtrusive or over intensive and its design complementing the local built environment. The proposal would also accord with LP Policy ENV1 through demonstrating compatibility with the layout of the existing housing and complementing the existing grain of development.
9. The Council published the pre-submission version of its emerging District Plan on 22 September 2016. This plan has yet to reach a sufficiently advanced stage for its policies to be afforded significant weight. Nevertheless, I can find no conflict from this proposal with any of the policies suggested as relevant to this appeal by the Council. I concur with the appellant that this proposal would comply with emerging Policy HOU2, which seeks that housing developments make efficient use of land, and with emerging Policy DES3, which requires that all development proposals be of a high standard of design and layout to reflect and promote local distinctiveness.
10. The Council's current and emerging policies are consistent with those of the National Planning Policy Framework (the Framework). Accordingly, this proposal would comply with the principles of the Framework that decisions take account of the different roles and character of different areas and always seek to secure high quality design.

Conditions

11. Consideration has been given to the conditions suggested by the Council and also those recommended by the local highway authority. In addition to the standard condition over commencement it is necessary in the interests of certainty that a further condition sets out the plans to which approval would relate to. In the interests of character and appearance a condition requires prior agreement to the external materials used in the development.
12. In the interests of highway safety a condition requires the access and parking space to be provided and maintained in accordance with detailed specifications to be agreed in advance. In the interests of the satisfactory appearance of the development a condition securing the implementation of hard and soft landscaping measures, based on the submitted plans, is required. The requirement for the development to be carried out in accordance with a Construction Management Statement addresses the concerns of the highways authority in respect of measures to prevent the emission of dust and mud onto the road.

Conclusion

13. This proposal would make a modest contribution to the supply of housing within an existing settlement where there would be no objection to the principle of a new dwelling and which would offer residents convenient access to nearby services and facilities. For the reasons given, this proposal would not result in any material harm to the character and appearance of the area. Consequently, having taken into account all other matters raised, I conclude that the appeal should be allowed.

Jonathan Price

INSPECTOR

Schedule of Conditions
Appeal Ref: APP/J1915/W/16/3162886
50 Elizabeth Road, Bishop's Stortford, Hertfordshire CM23 3RN

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CS 2016/1 (Location Plan), CS 2016/2 (Block Plan), CS 2016/3 (Site Plan and Roof Plan), CS 2016/4 (Elevations), CS 2016/5 (Ground Floor Plan) and CS 2016/5 (First Floor Plan).
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the occupation of the dwelling hereby allowed the parking space and new vehicular access, visibility splays and crossover onto Norfolk Way, shown in drawing number CS 2016/3, shall have been laid out, drained and constructed in accordance with detailed specifications that shall have first been submitted to and agreed in writing by the local planning authority. The entrance and parking space shall thereafter be retained as approved for the accessing and parking of vehicles.
- 5) No development shall commence until details of both hard and soft landscaping works, including boundary walls, fences and other means of enclosure have been submitted to and approved in writing by the local planning authority. These landscaping works, which shall include the hard and soft features indicated in drawing number CS 2016/3, shall be carried out in accordance with the approved details before the dwelling is first occupied.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for measures to control the emission of dust or deposit of mud, slurry or other debris on the adjacent highway during construction. The development shall proceed in accordance with the agreed statement.

--End of Conditions---



The Planning
Inspectorate

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Mr Justin Griffiths
The Harris Partnership
The Old Rectory
79 High Street
NEWPORT PAGNELL
MK16 8AB

Your Ref:
Our Ref: APP/J1915/Z/16/3165498

04 January 2017

Dear Mr Griffiths,

Appeal by Aldi Stores Ltd - Chelmsford
Site Address: Aldi Foodstore Ltd, 34 London Road, BISHOP'S STORTFORD, CM23 5NF

Thank you for your appeal(s) received on 16 December 2016.

Appeals and all the essential supporting documentation must reach us within 8 weeks from receipt of the local planning authority's notice of the decision.

The LPA Decision was given on 27 July 2016, which would have given an Appeal deadline of 21 September 2016.

As we received this appeal(s) after the time limit, we are unable to take any action on it.

A copy of this letter has been shared with the LPA

Yours sincerely,

Validation Officer 5
Validation Officer 5

Appeal Decision

Site visit made on 16 January 2017

by **J L Cheesley BA(Hons) DIPTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 January 2017

Appeal Ref: APP/J1915/D/16/3161279

12 Foxdells, Birch Green, Hertford, Hertfordshire SG14 2LS

- 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 Paul Rowbotham against the decision of East Herts Council.
 - The application Ref 3/16/1358/HH was refused by notice dated 2 August 2016.
 - The development proposed is a two-storey side extension.
-

Decision

1. The appeal is dismissed.

Main issue

2. I consider the main issue to be whether the proposal amounts to inappropriate development in the Green Belt, and if so, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. The National Planning Policy Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
 4. The Framework explains that the extension or alteration of a building is not inappropriate in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building.
 5. Saved Policies GBC1 and ENV5 in the East Herts Local Plan Second Review (2007) are broadly in accordance with the Green Belt aim and purposes in the Framework.
 6. The appeal dwelling has previously been extended to include a rear conservatory with a floorspace of some 22m². I note that the original part of the dwelling has a floorspace of some 105m². The proposed two-storey side extension would have a floorspace of some 49m². The cumulative additions of the conservatory and the proposed side extension would result in a 67% increase in floorspace over that of the original dwelling.
-

7. In accordance with the Framework, I consider it necessary to consider the scale, bulk and design of the cumulative additions as well as calculations of floorspace. The existing conservatory has added bulk to the rear of the dwelling. The proposed side extension would increase the scale and bulk to the side. The original dwelling was a modest two-storey end of terrace property, which would be significantly enlarged by the cumulative additions.
8. For the above reasons, I consider that the cumulative additions of the previous conservatory extension and the proposed extension would amount to disproportionate additions to the original dwelling. Therefore, I consider the proposal would be inappropriate development, which the Framework states is, by definition, harmful to the Green Belt.
9. Added to the harm of being inappropriate development is the impact that the proposal would have in diminishing the sense of openness of this part of the Green Belt and any other harm.
10. In my opinion, due to the cumulative additions to the original building, particularly the sense of enclosure at first floor level, I consider that the sense of openness in this part of the Green Belt would be further eroded by the proposed extension. Therefore, I consider that not only would the proposal constitute inappropriate development, there would be additional harm with respect to the openness of the Green Belt.

Other Considerations

11. There may be exceptional occasions where granting planning permission for development that would not normally be permitted could be justified on planning grounds because of who would benefit from the permission. However, the Planning Policy Guidance states: *to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building but might, for example, result from enforcement action which would otherwise cause individual hardship.*
12. In reaching my conclusion, I have had regard to all matters raised including the personal circumstances. This is a material consideration. I have great sympathy with the personal circumstances; however, I do not consider that there is justification in this particular instance to grant planning permission solely on the grounds of personal circumstances. I have attributed some weight to this matter in my determination of this appeal.
13. The proposal includes a first floor front window, a rear window and a ground floor front window in the existing dwelling. Whilst they would respect the character and appearance of the existing dwelling and have no impact on the openness of the Green Belt, they are primarily required for the proposed internal reconfiguration. In these circumstances, as the windows are not independent from the proposal before me, I do not consider it appropriate to issue a split decision allowing the windows.

Conclusion

14. It is necessary to determine whether there are other considerations which clearly outweigh the harm to the Green Belt, hereby justifying the development on the basis of very special circumstances. For the reasons stated above, in my opinion the considerations advanced in support of the development do not

clearly outweigh the harm it would cause to the Green Belt. In conclusion, I am of the opinion that there are no material factors that would amount to the very special circumstances needed to clearly outweigh the presumption against inappropriate development in the Green Belt. Therefore, the proposal would be contrary to policy in the Framework and saved Local Plan Policies GBC1 and ENV5.

J L Cheesley

INSPECTOR

Appeal Decision

Site visit made on 6 December 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 December 2016

Appeal Ref: APP/J1915/W/16/3158671

Gregorys Farm, Dane End, Hertfordshire SG12 0PH

- 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 Michael Smyth against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/1359/FUL, dated 10 June 2016, was refused by notice dated 10 August 2016.
 - The development proposed is conversion of buildings from ancillary to Work/Live Units.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Michael Smyth against East Hertfordshire District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposed development would provide a suitable location for housing having regard to the accessibility of services and facilities.

Reasons

4. The appeal site consists of two modern barns within Gregorys Farm. At my site visit, the buildings were vacant and unfurnished, although appeared to have been recently fitted out for residential accommodation. Their planning history and status is unclear, but they are described as ancillary by the appellant. A short distance to the north is the Grade II listed Gregorys Farmhouse, with a curtilage listed barn immediately next to the two appeal buildings. The latter has planning permission for a residential conversion.
 5. The site and wider farm are located within the countryside. The access is via a long narrow farm track from Mill Lane, part of a network of long and narrow country lanes. The nearest substantial settlement, Watton-at-Stone, is around a 2 mile journey to the south via Mill Lane and the A602 and the nearest bus route is approximately 16 minutes by public footpath. The distances involved, and the nature of the roads and footpaths, do not encourage travel by foot or bicycle, especially in darkness and/or inclement weather.
-

6. A previous proposal for conversion of the appeal buildings from ancillary to residential was dismissed at appeal¹ in June 2016. The Inspector concluded that the proposal would lead to isolated new dwellings in the countryside due to their distance from essential services and facilities, where the only realistic mode of transport would be by private car. The proposal was thus contrary to local policy and paragraph 55 of the National Planning Policy Framework (NPPF).
7. The Inspector found that Policy GBC9 of the East Herts Local Plan Second Review April 2007 ('the Local Plan') was more prescriptive than the NPPF, which limited the weight he could afford it. I am also aware that the Council cannot demonstrate a five year supply of housing land. In line with paragraph 49 of the NPPF, relevant policies for the supply of housing are not up to date, which would include Policy GBC9. On this basis, I consider Policy GBC9 has reduced weight insofar as it relates to this appeal.
8. Paragraph 14 of the NPPF states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as whole or specific policies in the NPPF indicate development should be restricted.
9. The key difference between this appeal and the previous appeal is the proposed inclusion of a separate office workspace within each building. The availability of office workspace would reduce the need to travel for work. However, there would still be a need for occupants to access everyday services and facilities on a regular basis, which would be reliant on a private car travelling not insignificant distances.
10. Notwithstanding the office workspace, the buildings would have a function as residential units, and so would still be isolated dwellings in the countryside. The presence of the listed farmhouse and curtilage listed barn as existing residential properties would not negate the remoteness of the new dwellings from services and facilities.
11. Paragraph 55 of the NPPF requires special circumstances to be demonstrated for isolated dwellings in the countryside and sets out a number of examples. While the buildings are currently vacant, there is no evidence to indicate that they are redundant or disused. Moreover, they are in a good condition and would require minimal external alteration to accommodate the proposed conversion. The immediate setting of the buildings is satisfactory and in no need of enhancement. I have not been provided with any evidence to support the argument that the building's preservation is essential to the context and setting of the listed farmhouse and barn for aesthetical, financial or any other reason. Therefore, no special circumstances have been demonstrated.
12. The provision of isolated dwellings would have adverse social and environmental impacts in terms of the lack of accessible local services and the inefficient use of natural resources. While reduced weight can be given to Policy GBC9 of the Local Plan, there is still conflict with this policy in terms of (II)(b) as it has not been demonstrated that the retention of the buildings cannot be secured by conversion to non-residential uses. There is also no evidence before me to show why the buildings could not reasonably function as

¹ APP/J1915/W/16/3142833

ancillary accommodation. Furthermore, there is conflict with paragraph 55 of the NPPF. For these reasons, significant weight can be afforded to the adverse impacts of the proposed development.

13. The provision of office workspace would provide some economic benefit, mindful of paragraph 21 of the NPPF which encourages flexible working practices such as the integration of residential and commercial uses. It would also accord with Policy EDE7 of the Local Plan. The provision of two self-contained dwellings would have some social benefits in terms of addressing housing land supply and the option of living and working in the same location. However, due to the limited number of units proposed, these benefits only carry moderate weight.
14. Therefore, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. In the circumstances, the presumption in favour of sustainable development does not apply and the proposal would not represent sustainable development.

Conclusion

15. The proposed development would not provide a suitable location for housing having regard to the accessibility of services and facilities, and would conflict with Policy GBC9 of the Local Plan and paragraph 55 of the NPPF. For this reason, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR

Appeal Decision

Site visit made on 15 November, 2016

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th January, 2017

Appeal Ref: APP/J1915/W/16/3157050

Flanbury Oaks, Ashendene Road, Bayford, SG13 8PY

- 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 Lee Baynham against the decision of East Hertfordshire District Council.
 - The application Ref: 3/16/1425/FUL dated 20 June, 2016 was refused by notice dated 16 August, 2016.
 - The development proposed is change of use and conversion of an existing barn to 1 no. dwelling house.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether or not the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt;
 - whether any harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations, and if so, whether this would amount to the very special circumstances necessary to justify the proposal.

Reasons

The Development Plan

3. The Council has not referred to the provisions of the East Herts Local Plan Second Review 2007 (the LP) in their reasons for refusal. This predates the Framework and the Inspector determining the a recent appeal relating to the same form of development at Flanbury Oaks (ref. APP/J1915/W/15/3140184) found that the LP policies for the re-use of rural buildings, as set out in Policies GBC1 and GBC9, and including an assessment of worthiness of retention, are more restrictive than, and consequently inconsistent with the relevant policies in the Framework. I see no reason to disagree with this assessment, and have attached greater weight to the approach to the Green Belt set out in the Framework.
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Whether or not the development would be inappropriate development in the Green Belt

4. Flanbury Oaks is a single storey shed of utilitarian blockwork construction, currently in use for storage and as a workshop. It is set back some metres along its own track from Ashdene Road to the east, and adjoins a detached house, now known as Bucks Warren. There is a raised rubble and gravelled area to its south; while on the eastern part of the site are a number of temporary structures.
5. The appeal site is around 1km outside Bayford, and is located within the Metropolitan Green Belt. It looks over rolling countryside to the north and west, while to its south it adjoins the hedgerow lining the track leading to Bucks Farm. The countryside around is scattered with individual or small groups of houses and large agricultural buildings.
6. The appeal proposal is for the change of use of the appeal structure to a three bedroom dwelling. External works would include new windows and doors in existing apertures, and application of timber cladding to the exterior.
7. The National Planning Policy Framework (the Framework) at paragraph 90 advises that certain forms of development are not inappropriate within the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. One of these forms of development is the re-use of buildings provided that the buildings are of permanent and substantial construction. The appeal building is of such construction. However, the fundamental aim of Green Belt Policy, explained in paragraph 79 of the Framework, is to prevent urban sprawl by keeping land permanently open.
8. The appellant suggests that the appeal building remains within the domestic curtilage of Bucks Warren. Although the boundary between the two was largely open at the time of my site visit, I note from the former appeal decision and photographs submitted by the appellant case that it was formerly much more clearly defined by planting, which has now been cleared. In any case, the appellant also indicates that the ownership of the two elements of the site is now split.
9. The appeal proposal would insert a new domestic use into a building formerly in low intensity use either as an outhouse or, now, for storage. It would thereby extend domestication into land which was formerly ancillary to domestic purposes and would, as a result, conflict with the fundamental aim of preventing urban sprawl. It would therefore constitute inappropriate development in the Green Belt. In accordance with paragraphs 87 and 88 of the Framework I give this significant weight.
10. The appellant is willing to contain the amenity space for the dwelling to the south west of the appeal building in an area partially screened by planting and to accept a condition limiting permitted development rights for extensions, outbuildings and means of enclosure. However I consider that this would not prevent other domestic paraphernalia such as garden furniture, washing line or dryers, children's play equipment etc. appearing around the dwelling, and would not therefore counteract the inappropriate introduction of a new domestic use into the Green Belt.

The effect on openness

11. The development would not include any addition to the volume of the existing building, and would not result in any further loss of openness as a result of the alterations. I note the willingness of the applicant to accept a condition restricting permitted development rights for the enlargement of the dwelling, new structures within its curtilage or new means of enclosure. However, this would not prevent increased parking or other forms of domestic paraphernalia which would have some effect on openness, although this would remain limited in extent. Overall, therefore, the development would cause only minor harm to the openness of the Green Belt.

Other Considerations

12. I note the improvements made to the design of the proposed dwelling compared with the previous appeal scheme in respect of new windows and doors in order to retain the appearance of a stable building in the landscape. This is a minor benefit.

13. I have considered the appellant's point that reuse of existing buildings accords with Government policy to support the transition to a low carbon future through reusing existing resources. However, the re-use of a single building would have only a very small effect in meeting this objective, and the benefit would therefore be minor.

Very Special Circumstances

14. Paragraph 87 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. There would also be harm, albeit limited, in respect of the effect of the development on openness. Although there are some limited benefits to be gained from the provision of an additional dwelling designed in a rural idiom, and in the sustainability of re-using the existing structure, these benefits are small and I accordingly give them only limited weight. As therefore the harm is not clearly outweighed by other considerations, the very special circumstances required to allow inappropriate development in the Green Belt do not exist.

Other matters

15. I note the appellant's contention regarding the Council's handling of the case, but this is not a matter for my determination.

Conclusion

16. For the reasons given above, and taking matters into account, I conclude that the development would not comply with relevant national policies in respect of the Green Belt, and that the appeal should be dismissed.

S J Buckingham

INSPECTOR

Appeal Decision

Site visit made on 16 January 2017

by **Michael Evans BA MA MPhil DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26th January 2017

Appeal Ref: APP/J1915/D/16/3162365

Hawkins Hall, 49 Watton Road, Datchworth SG3 6RU

- 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 P and G Glynn against the decision of East Herts Council.
 - The application Ref 3/16/1468/HH was refused by notice dated 18 August 2016.
 - The development proposed is described on the application form as 'replacement of existing detached double garage and studio room; a building that is in a poor state of repair, with a new garage, workshop and artist studio.'
-

Decision

1. The appeal is allowed and planning permission is granted for the replacement of the existing detached double garage and studio room with a new detached garage, workshop and artist studio, at Hawkins Hall, 49 Watton Road, Datchworth SG3 6RU, in accordance with the terms of the application, Ref 3/16/1468/HH, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2016-109-P 200, 2016-109-P 201 Rev A, 2016-109-P 202, 2016-109-P 211 Rev A, 2016-109-P 212 Rev A, 2016-109-P 601 Rev B, 2016-109-P 602, 2016-109-P 611 Rev B and 2016-109-P 612 Rev B.
 - 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) Prior to the commencement of any building works, details of measures for the protection of great crested newts during development shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Preliminary Matter

2. In the decision above I have amended the description of development given on the application form to make clear that the new building would be detached. I
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have removed the reference to the condition of the existing building which has no bearing on the nature of the proposed development.

Main issue

3. The main issue in this appeal is whether the proposed development amounts to inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (The Framework) and development plan policy.

Reasons

Inappropriate development

4. The appeal concerns a detached dwelling located within the Green Belt where Government policy in the Framework identifies development that would not be inappropriate. The extension or alteration of a building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.
5. East Herts Local Plan Second Review, April 2007, Policy GBC1 identifies limited extensions in accordance with Policy ENV5 as not being inappropriate in the Green Belt. Outside certain settlements, as in this case, Policy ENV5 indicates that extensions or outbuildings should not, by themselves, or cumulatively with other extensions, disproportionately alter the size of the original dwelling. Given that it would be a normal domestic adjunct to the host dwelling in fairly close proximity, the proposed outbuilding can reasonably be treated as an extension for the purposes of both the development plan and Framework.
6. The Council indicates that the floor area of the original dwelling, which comprises the original building in the terms of the Framework, has previously increased by just under 50% from the construction of a single storey extension. The proposed structure would have a deeper footprint and extend closer to the road than the outbuilding to be replaced, while having a footprint of 70 sq m compared to 39 sq m and being 0.9m higher. Nevertheless, the relevant policies do not set any specific floorspace or size threshold and I shall consider whether the original dwelling would appear disproportionately larger.
7. The previous extension has a single storey height and relatively limited depth beyond the rear and western side of the dwelling, while not projecting beyond the flank that would be adjacent to the new building. Despite its depth and projection beyond the front of the original dwelling, the new single storey outbuilding would have a relatively low eaves level and ridge height, with a fully hipped end facing the road. There would also be a gap between the proposed building and the original dwelling.
8. These factors would significantly limit the bulk of the proposed building and alleviate its perceived effect on the size and scale of the enlarged property. By contrast to the original two storey dwelling the new building would have a noticeably lesser height and scale, while also having a significantly narrower front elevation. It would therefore be a subservient presence.
9. In these circumstances and taking account of the previously built extension, I consider that the new building would not result in disproportionate enlargement of the original dwelling. It is therefore concluded that the proposal would not comprise inappropriate development in the Green Belt.

10. I am reinforced in my view that the scheme would not result in disproportionate enlargement by the Council's previous acceptance of an extension at the same side of the dwelling with a footprint only slightly less than now proposed. Moreover, the perceived bulk of the enlarged dwelling would not have been mitigated by any space between it and the addition, unlike in this instance. It is also clear that the policies against which this application was considered were not materially different to those in this appeal.
11. The new building would introduce additional built volume in the Green Belt by comparison to that to be replaced and, inevitably, this will have some effect on openness. However, the form of the development in terms of matters such as its height and hipped end would significantly limit this effect. In any event, the identification of enlargement that would not be disproportionate in both the Framework and development plan as not being inappropriate represents an implicit acceptance of the resultant reduction in openness, which would not therefore be harmful.

Conclusion

12. The proposal would comply with policies in the Framework and development plan concerning development in the Green Belt. As a result and taking account of all other matters raised, it is determined that the appeal succeeds.

Conditions

13. A condition specifying the approved plans is necessary to provide certainty. The details of the facing materials used in the development should be approved by the Council in order to protect the appearance of the locality. Following the comments from the ecology consultee, a condition requiring measures to protect great crested newts during construction is justified in the interest of nature conservation.

M Evans

INSPECTOR

Appeal Decision

Site visit made on 16 January 2017

by **J L Cheesley BA(Hons) DIPTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 January 2017

Appeal Ref: APP/J1915/D/16/3164324

64 Walkern Road, Benington, Stevenage, Hertfordshire SG2 7LS

- 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 D Carter against the decision of East Herts Council.
 - The application Ref 3/16/1620/HH was refused by notice dated 15 September 2016.
 - The development proposed is a garage.
-

Decision

1. The appeal is dismissed.

Main issue

2. I consider the main issue to be the effect of the development on the character and appearance of the surrounding area.

Reasons

3. The appeal site lies within a primarily residential area where dwellings in this part of the road are set back in a generally uniform pattern. This creates a uniformity of layout and an open and verdant character and appearance to the frontages in this part of the streetscene.
 4. The garage is erected in the front garden. The representations indicate that it is some 2.77 metres in height, some 5.67 metres in depth and some 5.52 metres in width with a flat roof. It is set forward behind existing front boundary vegetation, which does provide some partial screening from Walkern Road. Nevertheless, the garage is highly visible from the vehicular access to the property and across neighbouring properties.
 5. From my observations, due to the utilitarian flat roof form of the garage and its forward detached siting, I consider that it appears as an unacceptably incongruous addition to the streetscene. It is out of character with the overriding pattern of development in the immediate locality and appears as an unacceptably prominent building in the streetscene.
 6. I recognise that the garage provides parking for vehicles that would otherwise be parked on the frontage. From my observations, such frontage parking is an established characteristic of this part of Walkern Road. In my opinion, the parking of cars on the frontage would have significantly less adverse impact on
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the character and appearance of the surrounding area than the permanent presence of the garage.

7. For the above reasons, I conclude that the development has an adverse effect on the character and appearance of the surrounding area. Thus the development is contrary to saved Policy ENV1 in the East Herts Local Plan Second Review (2007), where it seeks to ensure that all new development reflects local distinctiveness. In my opinion, the harm is so significant as to be sufficient to dismiss the appeal. I have also been referred to saved Policy ENV5 which refers to extensions to dwellings. The appellant has raised concern as to the appropriateness of this policy to this appeal. As I have found that the development causes significant harm to the character and appearance of the surrounding area, I have not dwelt on the relevance or otherwise of saved Policy ENV5.
8. I consider that the Local Plan policies referred to above are broadly in accordance with the National Planning Policy Framework as far as they meet the Framework's core principles; particularly that planning should be taking account of the different roles and character of an area.
9. There may be exceptional occasions where granting planning permission for development that would not normally be permitted could be justified on planning grounds because of who would benefit from the permission. However, the Planning Policy Guidance states: *to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building but might, for example, result from enforcement action which would otherwise cause individual hardship.*
10. In reaching my conclusion, I have had regard to all matters raised including the personal circumstances. This is a material consideration. I have great sympathy with the situation. I realise that these are stressful circumstances and realise the importance of ensuring that there is a dust free environment. Whilst the garage would have to be demolished, it is possible for a building of such scale to be demolished in a short time. I do not consider that there is justification in this particular instance to grant planning permission solely on the grounds of personal circumstances and I have found in the wider public interest.

J L Cheesley

INSPECTOR



Appeal Decision

Site visit made on 6 December 2016

by **A Napier BA(Hons) MRTPI MIEMA CEnv**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 December 2016

Appeal Ref: APP/J1915/D/16/3160802

Four Winds, 18 Desborough Drive, Tewin Wood, Tewin AL6 0HJ

- 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 Mrs Susanne Paxman against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/1652/HH, dated 20 July 2016, was refused by notice dated 13 September 2016.
 - The development proposed is described as 'Demolition of existing part kitchen and part bedroom one. Erection of two storey front and rear extension, with entrance porch. Replacement of existing windows and doors, including alterations to opening. Replacement of existing roof tiles and incorporation of roof windows.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is located within the Metropolitan Green Belt. In addition, trees protected by a Tree Preservation Order (TPO) are within and close to the site. The main issues in this appeal are:
 - Whether or not the development would be inappropriate development within the Metropolitan Green Belt and its effect on openness, having regard to the National Planning Policy Framework and development plan policies;
 - The effect of the development on the character and appearance of the area, with particular regard to its effect on trees; and
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether or not inappropriate development and openness

3. Paragraph 79 of the National Planning Policy Framework (the Framework) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Paragraph 89 of the Framework states that the construction of new buildings should be regarded as
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inappropriate development within the Green Belt. An exception to this includes 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.

4. The *East Herts Local Plan Second Review 2007* (LP) Policy GBC1 provides for limited extensions and alterations to existing dwellings within the Green Belt. Similar considerations are reflected in LP Policy ENV5 where, amongst other matters, it requires an extension to a dwelling to be of a scale and size that would not, either by itself or cumulatively, disproportionately alter the size of the original dwelling. Whilst my attention has been drawn to a previous appeal decision on a site nearby in this respect,¹ I do not have full details of that development or the background to that decision. Accordingly, from the evidence available to me, I am satisfied that in respect of this appeal, when considered collectively, these policies of the LP are broadly consistent with paragraph 89 of the Framework.
5. From the evidence available to me, these LP policies do not define the meaning of 'limited' or 'disproportionate', and there is nothing before me to indicate that a definition has been formally identified by the Council. Nonetheless, the evidence submitted indicates that, informally, the Council considers that extensions should not generally result in a greater than 50% increase in the floorspace of the original dwelling. Whilst other potential measures of size also exist, I am satisfied that the use of floorspace would provide a useful indication of whether the proposal would be a disproportionate addition relative to the size of the original dwelling.
6. The appeal dwelling is a detached house with an extensive garden. From the evidence provided, the size of the plot is greater than others within the area and, in relation to this and in comparison with other dwellings within the area, the appellant contends that the existing dwelling is relatively small. In the 1970s, the dwelling was increased by a two-storey side extension. Whilst there is some difference between the parties about the size of the original dwelling, the extent of this difference is minimal and, broadly, there is a consensus that this extension increased the floorspace of the dwelling by approximately 47%, from around 120 square metres to some 180 square metres.
7. The details provided indicate that, in addition to this previous extension, permission has recently been granted for further alterations to the dwelling which, in addition to a new extension, would result in the partial demolition of the existing dwelling, resulting in a net decrease of some 7 square metres of floorspace, or an overall cumulative increase of some 43.5% in the floorspace of the original dwelling. The appeal proposal seeks to incorporate this recently approved scheme into a more substantial proposal, which would also involve a two-storey rear extension to the dwelling. The Council does not suggest that the previously approved elements of the appeal scheme would no longer be considered acceptable. As such, the proposed rear extension effectively represents the primary area of dispute between the main parties and I intend to consider the appeal in light of this.
8. The submitted Design and Access Statement accepts that, overall, the appeal proposal would equate to a 96% cumulative increase in the floorspace of the original dwelling. Notwithstanding the absence of a formally defined limit for proportionate additions, having regard to the overall extent of the existing and

¹ APP/J1915/D/14/2215524

proposed extensions relative to the size of the original building, I am satisfied that such a cumulative increase in floorspace can reasonably be regarded to represent disproportionate additions to the dwelling, even taking into account its setting within generous gardens.

9. The two-storey rear extension would be situated to the rear of the dwelling and would not increase its height or width. Due to this siting, the context of the site and the design and scale of the proposal, it would have only a modest visual impact on the wider area. Furthermore, taking into account the existing extension, it would result in a relatively limited increase in the overall depth of the dwelling. Nonetheless, it would extend across much of the rear elevation of the dwelling and would involve the development of a previously open part of the site. As such, by its nature, the proposed rear extension would have some impact on openness and, given its scale, I consider its overall impact in this regard would be moderate.
10. Extracts from the Council's pre-submission consultation draft of the *District Plan* (DP) have been provided, which include reference to a potential review of the Green Belt boundary, and the appellant has questioned the extent of the Green Belt designation in relation to the appeal site. However, having regard to paragraph 83 of the Framework, whether or not the boundary of the Green Belt should be reviewed would potentially be an issue for the development plan process and is not a matter primarily before me as part of this appeal. As such, it does not lead me to an alternative finding in respect of this issue.
11. Accordingly, I conclude that the appeal extension, when considered cumulatively with previous extensions, would represent a disproportionate addition to the size of the original appeal dwelling, which would result in inappropriate development within the Green Belt that, by definition, would be harmful. The proposal would be contrary to LP Policies GBC1 and ENV5 and would not meet the aims of paragraph 89 of the Framework. In addition, I have found that its impact on openness would be moderate and it would result in some conflict with the purposes of including land within the Green Belt. Having regard to paragraph 88 of the Framework, I give substantial weight to the totality of harm to the Green Belt.

Character and appearance

12. The appeal site is located within an extensive area of woodland. In common with many neighbouring properties, the appeal dwelling is situated within a substantial plot and is set back some considerable distance from the road, with a significant number of mature trees within and near the site. As a result, notwithstanding the extent of residential development within the locality, the local area has a verdant quality, with a quasi-rural sylvan character. From the evidence before me, including my visit to the site, there is considerable variation in the design of individual nearby dwellings. Whilst plot sizes vary and some higher density development exists within the wider area, this absence of uniformity in design approach complements the loose-knit spacious pattern of development in the immediate vicinity of the appeal site and makes a positive contribution to the visual qualities and overall character of the area.
13. The proposed rear extension would materially alter the plan form of the building and extend across much of its rear elevation, to a significant depth. Due to its sizeable overall scale, bulky form and visually awkward design, this element of the proposal would result in an unsympathetic and dominant

addition to the dwelling, which would materially detract from its existing appearance. As a result, the proposal would erode the distinctive character of the dwelling and adversely affect its immediate setting. For these reasons, although public views of the rear of the site are very limited, the proposal would nevertheless materially diminish the contribution of the dwelling to the qualities of the area, which would cause harm to its local character.

14. Given the relationship of the appeal dwelling to the road, the overall effect of the proposal on the streetscene would be relatively modest. In addition, I consider that the proposed alterations to the front of the dwelling and external materials would be complementary to its existing design. Furthermore, from the details provided, I am satisfied that the appeal scheme would not have an unacceptable effect on preserved trees on or near the site. Evidence has been provided of a number of larger dwellings on smaller plots within the area and although the proposal would increase the extent of built form on the site, a significant area of largely undeveloped garden land would remain. However, I find that none of these matters, either individually or cumulatively, would be sufficient to address the adverse impacts identified above.
15. Accordingly, overall, I conclude that the proposal would have a harmful effect on the character and appearance of the area, to which I give significant weight. It would not be in accordance with LP Policy ENV5, where it seeks to protect local character and appearance. It would also not meet the aims of paragraph 17 of the Framework, to achieve high quality design and take account of the different roles and character of different areas. Policies from the DP have also been drawn to my attention in relation to this issue. As this is an emerging development plan document, its policies may be subject to change and this considerably limits the weight that I give to them. Nonetheless, they do not lead me to an alternative conclusion in these regards.

Other considerations

16. I have no doubt that the proposal would be conducive to modern family living, by improving the layout and function of accommodation within the property, as well as significantly increasing the amount of living space provided. As such, I recognise that it would be of significant benefit to the appellant and her family. However, given its size, the existing dwelling would appear to offer some flexibility in its potential use. Furthermore, I am not satisfied that it has been adequately demonstrated that the proposal represents the only viable or feasible way to achieve improvements to the layout of accommodation. In addition, it has not been suggested, nor do I consider given the existing qualities of the dwelling and its location, that the proposal would be necessary to secure the continued residential use of the building. Accordingly, whilst these matters weigh in favour of the scheme, I give them only moderate weight.
17. The appellant has indicated that significant additions to the property, which cumulatively would exceed the floor area of the appeal proposal by some 5 square metres, could be undertaken using 'permitted development rights'. Whilst the substantive evidence provided in this regard is relatively limited, even if these alterations to the dwelling could take place without the need for a specific permission, I am not satisfied that they would be reasonably likely to occur.

18. The layout and form of the alternative extensions would appear unlikely to address the identified need for reconfigured accommodation within the dwelling and would also protrude significantly into the rear garden, which would potentially have an adverse impact on its functional relationship to the dwelling. Consequently, I am not persuaded that these alternatives represent a reasonably realistic fallback position in relation to the proposal. Moreover, the details provided indicate that these alternative extensions would be single-storey additions and, from the evidence available to me, I am not satisfied that their overall impact would be significantly more harmful than that of the appeal proposal. As such, they are not matters that weigh materially in its favour, but have a neutral impact in my consideration of the scheme.
19. Given the context of the site and the details proposed, the appeal proposal would not be harmful to the living conditions of neighbouring occupiers and would not have an adverse effect on the local highway network or the provision of on-site parking. Furthermore, from the details provided, I am satisfied that it would not be likely to have an adverse effect on protected species. However, the absence of harm in these respects weighs neither for nor against the scheme, but has a neutral impact in my overall consideration of the appeal.
20. A number of developments nearby have been drawn to my attention. I do not have full details of these other proposals or the background to those decisions. However, on the limited information available to me, I am not satisfied that the planning history and the impacts of these other schemes would be directly comparable to those of the appeal proposal. In any event, the existence of other development elsewhere does not represent an appropriate reason to allow a proposal that would cause harm. As such, these other developments do not lead me to alter my findings in respect of the appeal proposal, which I have considered on its merits and in light of all representations made.

Conclusion

21. The development would be inappropriate development within the Green Belt and I give substantial weight to this and the harm to openness. In addition, I give significant weight to the harm to the character and appearance of the area. The proposal would have some benefits, which weigh in its favour and lend support for the development. However, when considered overall and having regard to all other matters raised, I conclude that the other considerations in this case would not clearly outweigh the totality of harm that would be caused by the appeal development. Consequently, the very special circumstances necessary to justify the development do not exist.
22. For the above reasons, I conclude that the appeal should be dismissed.

A Napier

INSPECTOR



Appeal Decision

Site visit made on 16 January 2017

by **Michael Evans BA MA MPhil DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25th January 2017

Appeal Ref: APP/J1915/D/16/3161811

Revels Croft Farmhouse, Wadesmill Road, Hertford SG14 3HJ

- 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 Jim Morrissey against the decision of East Herts Council.
 - The application Ref 3/16/1776/HH was refused by notice dated 4 October 2016.
 - The development proposed is described on the application form as 'Existing single-storey dwelling converted into double-storey by extension to front & vertically by additional upper floor. New balcony and dormer windows to upper floor. New freestanding double garage.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Due to the spelling on the application form differing from that on the appeal form, at my site visit I confirmed that the Appellant's surname is as given in the heading above. The description of development on the application form refers to a freestanding double garage. However, this was omitted from the proposal during the Council's consideration of the application and is not therefore part of the scheme to be considered in this appeal.

Main issue

3. The main issue in this appeal is whether the proposed development amounts to inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (The Framework) and development plan policy and, if so, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

4. The appeal concerns a detached dwelling located within the Green Belt where Government policy in the Framework identifies development that would not be inappropriate. The extension or alteration of a building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.
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5. East Herts Local Plan Second Review, April 2007, Policy GBC1 identifies limited extensions in accordance with Policy ENV5 as not being inappropriate in the Green Belt. Outside certain settlements, as in this case, Policy ENV5 seeks to prevent extensions that by themselves or cumulatively with other extensions would disproportionately alter the size of the original dwelling.
6. In Annex 2 of the Framework the term 'original building' is defined. This is said to be a building as it existed on 1 July 1948, or if constructed later, as it was built originally. The Council indicates that except for a small conservatory that would be removed the dwelling has had no previous extensions. Therefore the existing dwelling, disregarding the conservatory, comprises the original building.
7. The bungalow has a relatively low height with a shallow pitched roof. However, in order to enable first floor accommodation, the dwelling would have its ridge height significantly raised. In consequence, the roof would be a relatively dominant feature with an appreciably steeper pitch and greater expanse. By contrast with the existing fairly low key roof it would give the property a noticeably more top heavy appearance.
8. The higher eaves levels of the extended dwelling would also tend to emphasise the undue additional bulk. The part at the southern end would have an even higher ridge and eaves level than the northern part, making it particularly dominant. While the footprint would largely remain unchanged there would be a noticeable increase at the south eastern end, further adding to the increase in bulk and size. The perceived bulk and mass would not be significantly limited by the use of timber cladding to vary the external facing materials.
9. As a consequence of the above factors, it is concluded that the scheme would result in disproportionate additions to the original building. The proposal therefore comprises inappropriate development in the Green Belt. It is recognised that reaching a conclusion on this matter inevitably involves a degree of subjective judgement. Nevertheless, this must be done in order to apply the relevant policies.

Openness of Green Belt

10. The openness of the Green Belt results from an absence of built development. The additional height, together with the increased footprint, would result in significant additional built volume and bulk. In consequence, the openness of the Green Belt would be materially reduced. It is explained in the Framework that the essential characteristics of Green Belts are their openness and permanence. As a result, significant harm would be caused to the openness of the Green Belt.

Other considerations

11. The Appellant suggests that the visual impact of the extended dwelling in views from Wadesmill Road would be limited by distance and vegetation. However, openness is not dependent on prominence or visibility and conferring acceptability on this basis could result in much development taking place within well screened locations which would erode the Green Belt. In any event, I saw at my site visit that the increased bulk would be apparent in views from Wadesmill Road despite the distance and vegetation anyway. A condition requiring retention of existing vegetation would not therefore prevent this.

12. The Appellant indicates that the scheme was revised following comments from the Council and it was understood that the application would not be refused. However, there is no documentation to indicate any support from the Council. In any event, this would not be binding and I must consider this appeal on its own merits.
13. The design and access statement refers to matters such as the creation of more bedroom and recreational space, the creation of an open plan living space and allowing more sunlight into the property. However, there is nothing to show that the existing building is subject to any deficiencies that seriously compromise its use as a dwelling that would be remedied by the development.
14. Whilst not of any particular architectural merit, the existing dwelling has a reasonably cohesive appearance and is not unsightly. I am not persuaded that the enlarged dwelling would result in any significant visual benefit.
15. In consequence, these considerations are not afforded anything other than fairly limited weight in favour of the appeal.

Conclusion

16. Harm would be caused to the Green Belt as a result of inappropriate development and a loss of openness. In accordance with Paragraph 88 of the Framework substantial weight should be afforded to this harm. Due to the limited weight attached to them, it is concluded that other considerations do not clearly outweigh the harmful effect of the development. There can, in consequence, be no very special circumstances and the proposal would be contrary to the Framework policies concerning the Green Belt. There would also be conflict with the relevant development plan policies. It is therefore determined that the appeal fails.

M Evans

INSPECTOR

Appeal Decision

Site visit made on 4 January 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24th January 2017

Appeal Ref: APP/J1915/D/16/3163826

Hanbury Lodge, Poles Lane, Thundridge SG12 0SQ

- 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 M Crilley against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/1909/HH, dated 22 August 2016, was refused by notice dated 13 October 2016.
 - The development proposed is an extension to the existing detached garage to create a games room above.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have also dealt with another appeal (Ref APP/J1915/D/16/3163831) on this site. That appeal is the subject of a separate decision.
3. The decision notice does not cite any conflict with any development plan policies. I note nonetheless that the Planning Officer's delegated report refers to policies GBC1 and ENV5 of the adopted Local Plan,¹ and Policy GBR1 of the emerging Local Plan.² The emerging Local Plan is at a relatively early stage of preparation and, having had regard to paragraph 216 of the National Planning Policy Framework (the Framework), I attach limited weight to Policy GBR1.

Main Issues

4. 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 relevant development plan policies;
 - The effect on the openness of the Green Belt, and on the character and appearance of the area; and
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstance required to justify the proposal.

¹ East Herts Local Plan Second Review April 2007

² East Herts Council Pre-Submission District Plan Consultation 2016

Reasons

Whether the proposal would be inappropriate development

5. The appeal property is a detached house with a double garage which lies within the Metropolitan Green Belt. The Framework establishes that new buildings within the Green Belt are inappropriate development. Exceptions to this 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.
6. The property has a previous two storey extension and detached double garage, which is the subject of this appeal, pursuant to a planning permission granted in 2004. The Council calculates that the previous and now proposed extensions would cumulatively amount to an increase in floorspace of 90 per cent above that of the original building. However, the appellant submits that the proposal should not be considered as a cumulative addition to the previous extensions to Hanbury Lodge as the proposal relates to the extension of the garage.
7. The Framework does not make any specific reference to outbuildings. Nevertheless, given that the proposal is a building, paragraph 89 would logically apply to the proposal to extend the outbuilding. As such, an extension or alteration to the garage may not be inappropriate provided that it does not result in a disproportionate addition. In my view, the garage is part of the dwelling in the sense that it is a domestic adjunct. Moreover, the addition of the games room would provide an extension of the domestic accommodation. The fact that the garage/games room would be separated from the main house would not prevent it from being part of the dwelling.
8. It is clear that the proposal, combined with previous extensions, would cumulatively represent a significant increase in size over and above that of the host house. Proportionality is primarily an objective test based on size. If the proposal were to be constructed, the size of the resulting buildings when compared with the original would therefore be disproportionate. It would be inappropriate development which is, by definition, harmful to the Green Belt.

Effect on openness, and character and appearance

9. The appellant suggests that the proposal would not undermine the purposes of including land in the Green Belt. Openness is an essential characteristic of the Green Belt. The first floor extension to the garage would increase the bulk of the building and, consequently, it would inevitably affect the openness of the Green Belt. However, in isolation, the loss of openness would be minimal.
10. The existing garage is located relatively close to Poles Lane and is visible in views from the lane. Although the footprint would not be enlarged, the roof extension would increase the prominence of the building and it would become a more dominant structure which would not appear subservient to the main dwelling. Although the trees along the north-eastern boundary would provide some screening, the building would be particularly visible in views from the south-west.
11. The appellant advises that the wall materials would be clad in matching timber boarding, as opposed to the brick shown on the plans. However, this would not overcome the concerns outlined above regarding the increase height and mass of the building which would have an adverse effect on the semi-rural character and appearance of the area.

Other Matters

12. The Council advises that the appeal property is curtilage listed in association with the former Poles Convent, which is listed grade II*. Also, Poles Park is registered grade II on the Register of Parks and Gardens of Special Historic Interest in England, and there are protected trees close to the appeal site.
13. The Council accepts that the proposed garage extension would not harm the character, appearance or the setting of the curtilage listed building. The effect on the setting of the former Poles Convent would be minimal due to the separation between the properties. As the development would be contained within the garden of the appeal property, the registered park and garden would be unaffected. No harm to any of the protected trees has been identified.
14. Consequently, I conclude on this matter that there would be no adverse effect on the significance of the designated heritage assets. The proposal would preserve the setting of the main part of the listed building, the appeal property and the registered park and garden.

Conclusion

15. The proposal would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be a minimal loss of openness, and harm to the character and appearance of the area.
16. Whilst there would be no harm to the designated heritage assets, this is a neutral factor which does not weigh for or against the proposal such that this consideration does not clearly outweigh the totality of harm. Consequently, the very special circumstances necessary to justify the development do not exist.
17. The proposal would not accord with the Framework, insofar as it seeks to protect Green Belt land.
18. For these reasons given above, the proposed scheme is not sustainable development and appeal is dismissed.

Debbie Moore

Inspector

Appeal Decision

Site visit made on 4 January 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24th January 2017

Appeal Ref: APP/J1915/D/16/3163787
22 Hertford Road, Great Amwell SG12 9RY

- 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 Al Sam against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2018/HH, dated 25 August 2016, was refused by notice dated 10 November 2016.
 - The development proposed is a new single storey rear orangery 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 relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstance required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

3. The appeal property is a detached house located in the settlement of Great Amwell, which lies within the Metropolitan Green Belt.
4. The Framework establishes that new buildings within the Green Belt are inappropriate development. Exceptions to this 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 GBC1 of the Local Plan¹ states that new buildings on land within the Green Belt will be inappropriate unless, amongst other things, it is for limited extensions or alterations to existing dwellings.

¹ East Herts Local Plan Second Review April 2007

5. Both parties agree that previous extensions have resulted in an increase in the size of the original building. The appellants advise that the floor area of the property has increased from 80.43 square metres (sqm) to its current 223.74 sqm. The Council assumes an original floorspace of 171 sqm and calculates the current floorspace to be 238.5 sqm. The proposal would add a further 24.75 sqm.
6. The figures differ in relation to the existing and proposed floorspace. However, it is clear that the proposal, combined with previous extensions, would cumulatively represent a significant increase in size over and above the size of the original building, particularly if the figures provided by the appellant are applied. Proportionality is primarily an objective test based on size. If the proposal were to be constructed, the size of the resulting building when compared with the original would be disproportionate. It would, therefore, be inappropriate development which is, by definition, harmful to the Green Belt.

Effect on openness

7. The extension itself would be a relatively modest addition and it would be located within the spacious rear garden where it would not be overly prominent. Nevertheless, the proposal would increase the size of the building and, consequently, it would inevitably affect the openness of the Green Belt. However, in isolation, the loss of openness would be minimal.

Other considerations

8. The appellants suggest that the previous applications were approved despite the Green Belt policy restrictions. These decisions pre-date the Framework and the existing Local Plan. Consequently, they are not comparable to the appeal before me and I give limited weight to these decisions.
9. The appellants state that other properties nearby have been similarly extended. The full balance of considerations that informed those decisions is not before me and I give limited weight to this consideration.

Conclusion

10. The proposal would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be a minimal loss of openness. Whilst there would be no harm to the character and appearance of the existing building or to the living conditions of adjoining occupiers, this is a neutral factor which does not weigh for or against the proposal.
11. Limited weight is attached to the other extensions that have been approved at the appeal property and in the vicinity. These considerations do not clearly outweigh the totality of harm. Consequently, the very special circumstances necessary to justify the development do not exist.
12. The proposal would not accord with the Framework, insofar as it seeks to protect Green Belt land, or Policies GBC1 and ENV5 of the Local Plan which limit extensions or alterations to existing dwellings in the Green Belt.
13. For these reasons given above, the appeal is dismissed.

Debbie Moore Inspector

Appeal Decision

Site visit made on 4 January 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24th January 2017

Appeal Ref: APP/J1915/D/16/3163831

Hanbury Lodge, Poles Lane, Thundridge SG12 0SQ

- 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 M Crilley against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2084/HH, dated 23 August 2016, was refused by notice dated 4 November 2016.
 - The development proposed is a two storey side extension and internal alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have also dealt with another appeal (Ref APP/J1915/D/16/3163826) on this site. That appeal is the subject of a separate decision.
3. The decision notice does not cite any conflict with any development plan policies. I note nonetheless that the Planning Officer's delegated report refers to policies as GBC1 and ENV5 of the adopted Local Plan,¹ and Policy GBR1 of the emerging Local Plan.² The emerging Local Plan is at a relatively early stage of preparation and, having had regard to paragraph 216 of the National Planning Policy Framework (the Framework), I attach limited weight to Policy GBR1.

Main Issues

4. 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 relevant development plan policies;
 - The effect on the openness of the Green Belt; and
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstance required to justify the proposal.

¹ East Herts Local Plan Second Review April 2007

² East Herts Council Pre-Submission District Plan Consultation 2016

Reasons

Whether the proposal would be inappropriate development

5. The appeal property is a detached house which lies within the Metropolitan Green Belt. The Framework establishes that new buildings within the Green Belt are inappropriate development. Exceptions to this 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.
6. The property has a previous two storey extension and a detached double garage pursuant to a planning permission granted in 2004. The Council calculates that the previous and now proposed extensions would cumulatively amount to an increase in floorspace of 100 per cent. However, the appellant submits that the 2004 extension replaced a previous two storey extension which constituted part of the original building, as it was built prior to 1 July 1948.³ There is no documentary or photographic evidence to support this claim. Although the 2004 extension may have replaced an existing element, the extent of such works is uncertain. Without substantiated evidence I can give only limited weight to the possibility that the original floorspace of the house was larger on the relevant date.
7. On this basis, it appears most likely that the proposal, combined with previous extensions, would cumulatively represent a significant increase in size over and above the size of the original building. Proportionality is primarily an objective test based on size. If the proposal were to be constructed, the size of the resulting building when compared with the original would, therefore, be disproportionate. It would be inappropriate development which is, by definition, harmful to the Green Belt.

Effect on openness

8. Openness is an essential characteristic of the Green Belt. The two storey side extension itself would increase the bulk of the building and, consequently, it would inevitably affect the openness of the Green Belt. However, in isolation, the loss of openness would be minimal.

Other considerations

9. The Council accepts that the proposal would respect the appearance of the existing building. Also, the appellant suggests that the siting would not be prominent and there would be little or no impact on views from public vantage points. However, these considerations do not weigh in favour of the proposal as lack of harm, in contrast to betterment, is a neutral factor.

Other Matters

10. The Council advises that the appeal property is curtilage listed in association with the former Poles Convent, which is listed grade II*. Poles Park is a registered park and garden⁴ and there are protected trees close to the appeal site.
11. The Council accepts that the proposed extension would not harm the character, appearance or the setting of the curtilage listed building. The effect on the

³ Annex 2 of the Framework defines the 'original building' as it existed on 1 July 1948

⁴ Register of Parks and Gardens of Special Historic Interest in England

setting of the former Poles Convent would be minimal due to the separation between the properties, and as the development would be contained within the garden of the appeal property, the registered park and garden would be unaffected. No harm to any of the protected trees has been identified.

12. I conclude on this matter that there would be no adverse effect on the significance of the designated heritage assets. The proposal would preserve the setting of the main part of the listed building, the appeal property and the registered park and garden.

Conclusion

13. The proposal would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be a minimal loss of openness. Whilst there would be no harm to the character and appearance of the existing building or to the designated heritage assets, this is a neutral factor which does not weigh for or against the proposal such that these considerations do not clearly outweigh the totality of harm. Consequently, the very special circumstances necessary to justify the development do not exist.
14. The proposal would not accord with the Framework, insofar as it seeks to protect Green Belt land.
15. For these reasons given above, the proposed scheme is not sustainable development and the appeal is dismissed.

Debbie Moore

Inspector