



Appeal Decision

Site visit made on 15 December 2020

by K Winnard LL.B (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 21/01/2021

Appeal Ref: APP/X1925/D/20/3258996

Hogsnorton Cottage Sally Deards Lane Codicote AL6 9UE

- 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 Payne against the decision of North Hertfordshire District Council.
 - The application Ref 20/00791/FPH, dated 16 April 2020, was refused by notice dated 19 June 2020.
 - The development proposed is single storey side extensions to both existing elevations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council refer to policies within the emerging local plan in their decision notice but from the information before me it is not clear when the plan will be adopted. I can only give these policies limited weight in my determination of the appeal.
3. The appellant has suggested within the grounds of appeal that there is the potential to demolish a garden structure of 24 square metres at the property. No further details are given. The proposal that is considered on appeal should be the same one that was considered by the Council. As such, it would not be appropriate for me to consider this as an option and I will base my decision on the information assessed by the Council during the original planning application.
4. It is not clear from the information before me whether Marshmallow, the adjoining cottage, retains its listed building status. I note that the Council has determined the application on the basis it does. Likewise, I shall determine the appeal on this basis.

Main Issues

5. The main issues in this appeal are as follows:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') and any relevant development plan policies;
- The effect of the proposal on the openness of the Green Belt and
- Whether any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate Development

6. The Framework states that the construction of new buildings is inappropriate development within the Green Belt unless the development falls within one of a number of specified exceptions. These include the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.¹ The Framework requires that assessment of whether an addition is disproportionate is made with reference to the original building, in this case the building as it existed on 1 July 1948.² Saved Policy 2 of the North Hertfordshire District Local Plan with Alterations (Local Plan), whilst it predates the Framework, mirrors national policy in only permitting development proposals in the Green Belt which are appropriate in the Green Belt and which would not result in significant visual impact.
7. Hogsnorton (Hogsnorton) is a semi detached cottage situate in the Green Belt which has been the subject of previous extensions. The appellant suggests that the 'original building' could be interpreted as including the row of cottages which were located behind Hogsnorton in 1948, the footprints of which remain in what is now the residential curtilage. This would bring the total proposed floor space to less than that occupied by the original building and the row of cottages. However, from the information before me, the row of cottages and Hogsnorton were buildings physically separate from each other with no internal connections and occupied independently. As such I do not consider that the row of cottages can be regarded as being part of the 'original building'.
8. The Framework does not explain what a disproportionate addition means, nor does it specify percentage increases or specific extension sizes where an extension might be considered disproportionate. Hogsnorton was a modest cottage which has been enlarged subsequently. The extensions now proposed, in addition to those already constructed, would significantly increase its floorspace and massing. Even on the calculations put forward by the appellant the volume increase is not insignificant. In my view, their scale would amount to a disproportionate addition to the original building.
9. The appeal proposal cannot be regarded as a replacement for the row of cottages under paragraph 145(d) of the Framework since these buildings are no longer on the land. Nor can the appeal proposal be considered an exception under paragraph 145(g) of the Framework. Even if the appeal proposal could be considered to fall within the terms of this sub-paragraph, this exception is subject to the proposal not having a greater impact on openness. Given that

¹ Paragraph 145(c) of the Framework

² Glossary of the Framework

the proposed development would introduce additional development both in terms of its footprint and bulk this would not be the case in this instance.

10. Accordingly, the proposed development would amount to inappropriate development within the Green Belt which is by definition harmful. The proposal would also therefore conflict with Saved Policy 2 of the Local Plan where development proposals are only permitted if they would result in appropriate development.

Openness

11. The essential characteristics of the Green Belt are their openness and permanence. The appeal proposal would result in additions to the building and add to the level of built development in this location. There would be a reduction in the openness of the Green Belt, which would represent harm to one of the Green Belt's essential characteristics outlined in the Framework.
12. There is a visual aspect to openness. Hogsnorton has a deep rear garden and is well screened at the side. One of the proposed extensions is to the rear of the property, and within a gap to the side of its boundary with Marshmallow where views of it would be limited. The side extension would be visible when directly approaching the site along Sally Deards Lane. As such, the proposal would have a limited impact to the visual amenity of the Green Belt.
13. The appellant refers to the historical development on what is now the residential curtilage of Hogsnorton as being relevant in this assessment. Irrespective of the extent of former structures, these buildings are no longer on the land. I cannot see any justification in either the Framework or Planning Policy Guidance in considering openness so as to encompass buildings no longer on the land, and in the case of the row of cottages demolished over 60 years ago.
14. Accordingly, whilst views of the proposal would be limited, it would nonetheless result in a loss of openness to the Green Belt, contrary to national and local policy to protect it.
15. I conclude overall that the proposed development would represent a disproportionate addition over and above the size of the original building and as such would be inappropriate development within the Green Belt. It would also harm openness. Whilst the harm would be small in the context of the Green Belt as a whole, the Framework is clear that substantial weight should be given to any harm in the Green Belt.

Other considerations

16. There is a requirement that special regard is had to the desirability of preserving any Listed Building or its setting or any features of special architectural or historic interest which it possesses. The Council has concluded that by reason of the separation distance between the proposed extensions and Marshmallow, the appeal scheme's design, materials and siting would preserve the setting of Marshmallow. The assessment of the effects of the appeal scheme on the designated heritage asset reflects the absence of an objection from the Council on heritage grounds to the proposed development. I concur with the Council's assessment and as such, no conflict would arise with the heritage and design policies of the Framework.

17. The appellant has drawn my attention to the several extensions which have been permitted at the neighbouring property at Marshmallow and at other locations in the vicinity. I can appreciate the appellant's frustration given that other properties in the locality have had the benefit of additional extensions approved. The Framework does not however allow for comparisons to be made against neighbouring properties when determining whether proposed extensions are disproportionate or not. Nor do I have the specific details before me to determine with any degree of confidence on the specifics of each scheme or how the decisions were made. I note however in the case of the one report before me that the scheme approved in 2008 was for a single storey rear extension following demolition of an existing rear extension. Its context therefore differs to the scheme before me. As such these developments only merit limited weight and do not lead me to a different view in this case.
18. Paragraph 11 of the Framework states that the presumption of sustainable development does not apply when specific policies in the Framework provide a clear reason for refusing the development. The footnote to this paragraph notes that the policies referred to include those that relate to land designated as Green Belt. Therefore, even if the Council's 5 year housing supply is in deficit, this would not be a factor that would carry any weight.
19. The appellant highlights that the proposal would contribute to the need for larger family homes and would help the Council in meeting their housing objectives. The proposal does not however increase the number of bedrooms at Hogsorton and the provision of enlarged accommodation to one dwelling would provide only a very modest contribution to any under supply of housing provision.
20. I acknowledge that the proposal would provide enlarged additional facilities and enhance the accommodation for adult families and their households; and that it would provide enhanced facilities to enable home working and promote outdoor pursuits. However, these would be largely private benefits to which I attach limited weight.
21. I note that the proposal would be in matching materials. I note too that the Council has raised no concerns to the amenity of the occupiers of the adjacent property and harm to the character and appearance of the host dwelling and area. I also note that there are no objections to the proposal. However these are not factors which weigh positively in favour of the proposal.
22. I note also the appellants' reference to the Council's handling of the application but this is not a matter before me, nor does it alter my findings. I note too the reference to previous applications having been approved following a previous refusal but again this does not alter my findings of the matter before me.

Conclusion

23. I find that the proposal would be inappropriate development in the Green Belt. There would also be some limited harm to the openness of the Green Belt. In line with the Framework, substantial weight must be given to the harm caused by reason of inappropriateness and other harm. The other considerations described above do not clearly outweigh the totality of the harm I have identified. Accordingly, the very special circumstances necessary to justify this proposal do not exist. The proposal would therefore conflict with Saved Policy 2 of the Local Plan and the National Planning Policy Framework.

24. For the reasons set out above, and having regard to all other matters, the appeal is dismissed.

K Winnard

aINSPECTOR