

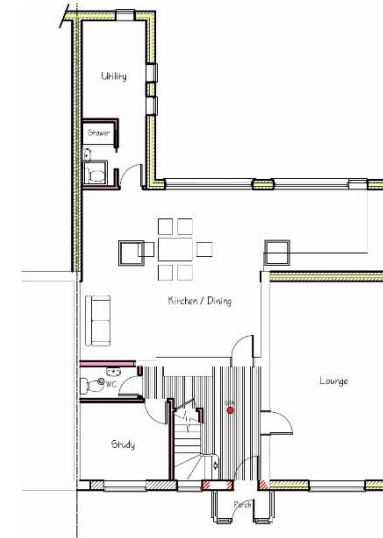
Planning Statement

As previously approved 03/17/0687/HH



Ground Floor Plan

As now proposed



Ground Floor Plan

Application for: Revisions to 03/17/0687/HH to include first floor side gable window, pitched roof over rear extension with rooflight and pitched roof over outshot and retention of infill addition as existing.

At site address: 36 Pye Corner, Gilston, Harlow, CM20 2RB

Statement prepared December 2023

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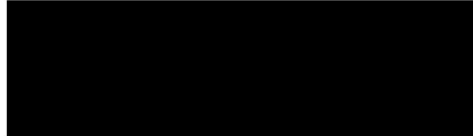
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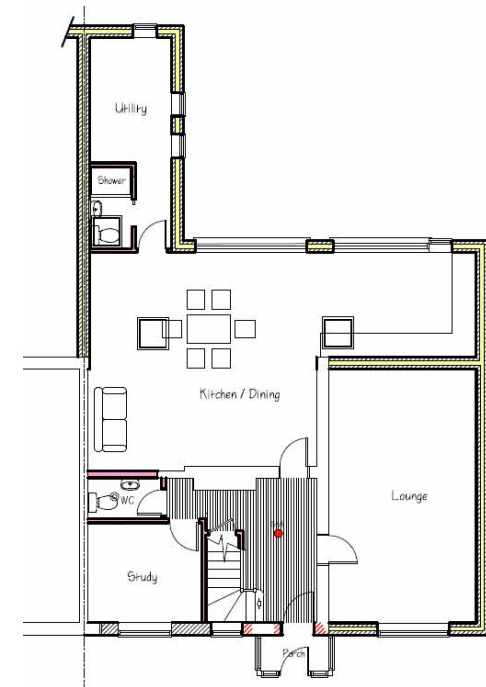
Background

This application is lodged with East Herts District Council for planning permission to retain extensions erected akin to 03/17/0687/HH. During construction changes to design occurred. These included a flank wall, loft level, gable window to the side extension, a pitched roof over the rear extensions including 2 x rooflight openings and an entirely pitched roof over the existing rear outshot. Changes to fenestration have also occurred and the provision of an infill extension of some 12sqm to provide for a relocated kitchen area. This proposal was previously refused under 3/17/2457/HH for the following reason;

'The proposed extension, cumulatively with previous additions to the dwelling, would disproportionately alter the size of the original building and would thereby constitute inappropriate development in the Green Belt. In addition to the harm by inappropriateness, other harm is identified in relation to loss of openness. The harm by inappropriateness, and the other harm identified, is not clearly outweighed by other material planning considerations such as to constitute the very special circumstances necessary to permit inappropriate development in the Green Belt. The proposal is therefore contrary to Policy GBC1 and ENV5 of the East Herts Local Plan second Review April 2007 and Section 9 of the National Planning Policy Framework.'

This application is accompanied by (1) plans of the property prior works, (2) the approved plans 03/17/0687/HH for comparison, (3) the plans of the dwelling as proposed and presently exists. A case for Very Special Circumstances is also provided.

Figure 1: Ground floor as constructed and proposed



Site Description

The application site is a two-storey semi-detached property within the East Herts District along Pye Corner. It is in the Metropolitan Green Belt but is not in a Conservation Area. Pye Corner is on the outskirts of Harlow, which lies to the south of the site, separated by an agricultural field and the River Stort before the rear of Harlow Mead Park commercial estate.

Figure 1: Site location plan



The cottage backs onto the Applicant's own timber yard, whereby the ground level drops significantly at the end of the garden, into

the yard. At the yard boundary ground level steeply banks up to completely enclose the timber yard and properties beyond from wider view. The result being that the properties in Pye Corner would be completely obscured from the eastern side due to a significant variation in ground level of more than 5 metres and the landscaping in addition.

Figure 2: Wider Aerial View

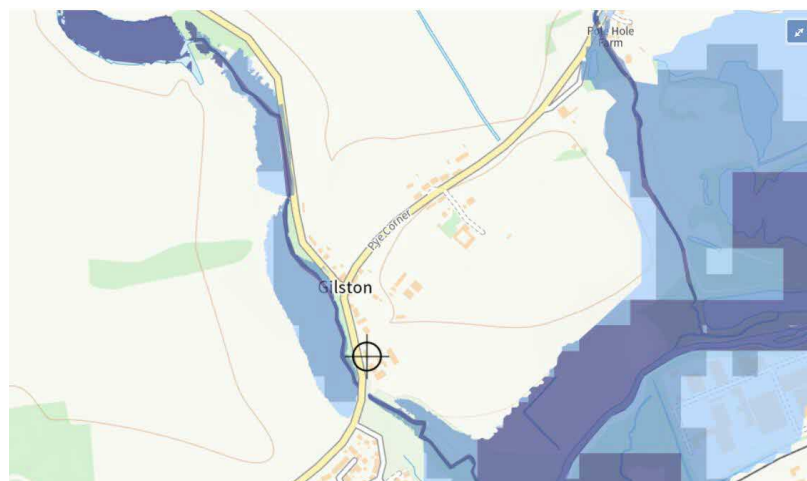


Figure 3: Rear of site and ground change



The image above shows the existing rear garden, the absence of a fence to the rear presently, before the timber yard and buildings erected at a reduced ground height, then in the background on the left you can see ground level banking upwards significantly to above the height of the buildings in the timber yard, before the provision of boundary fencing to the yard and the landscaped screen above. This is highly unusual to see such variation in ground level in this area.

Figure 4: Environmental Floodzone map



The application site is at very low risk of flooding.

Prior to the works to extend to the side and rear, the dwelling was largely unaltered and retained many original details to the exterior.

Prior to extending, the dwelling had a modest layout. The main building comprised two rooms at ground floor and two above, with the outshot providing utility, W/C and storage areas. A conservatory on the side added extra living space. The layout prior any works is indicated in figure 5 below.

Figure 5: Original Ground floor before any works.

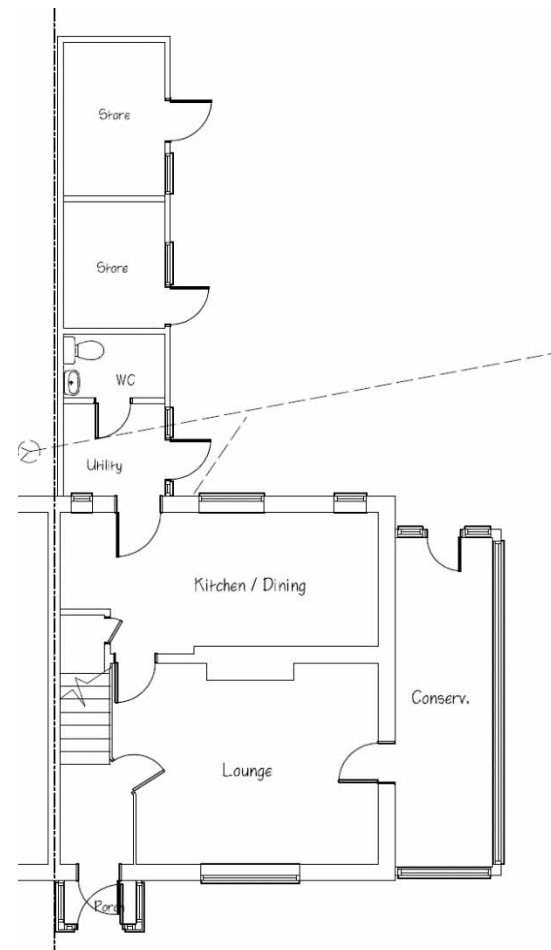
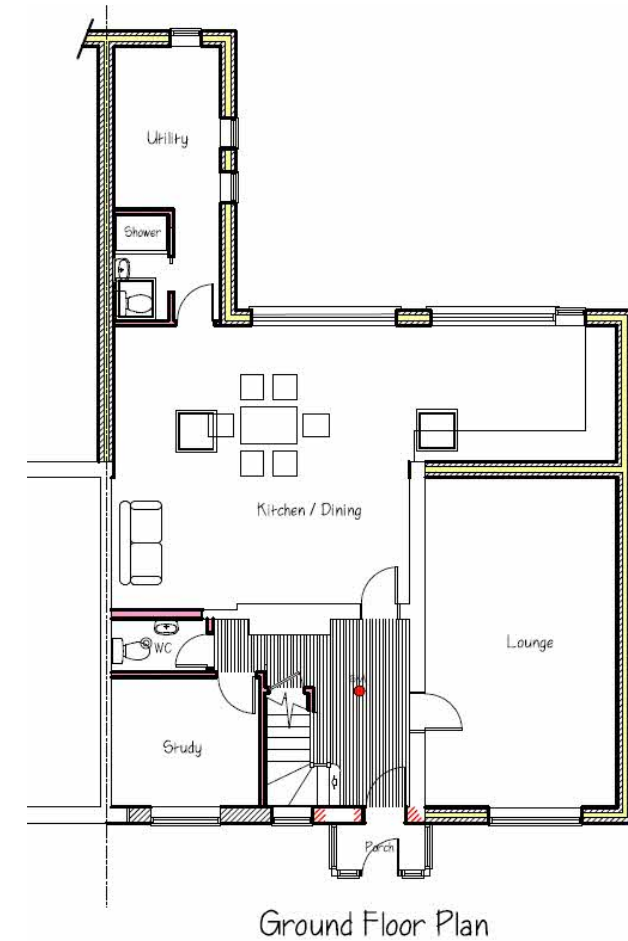
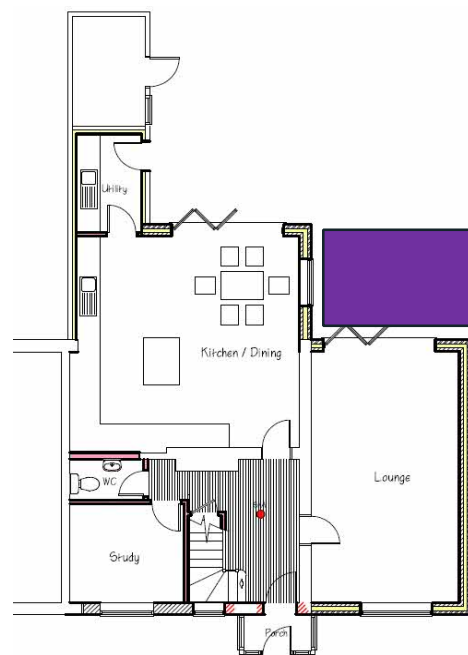


Figure 6: Ground floor as presently erected including 'infill' area

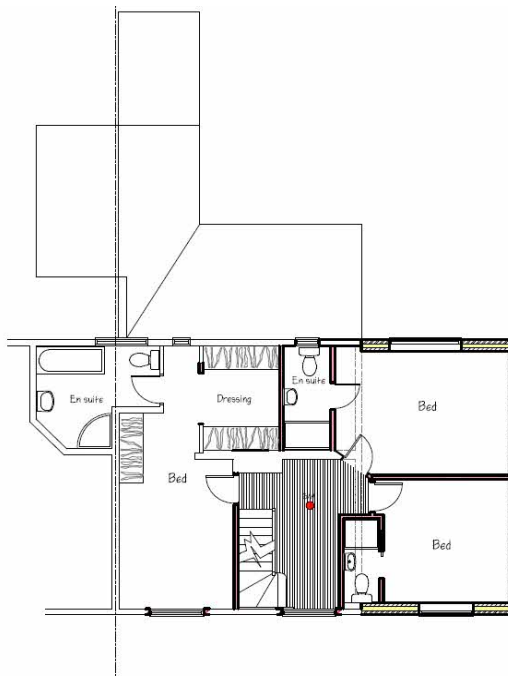


Application 03/17/0687/HH permitted works to the side and rear to facilitate meaningful additions to the property as follows;

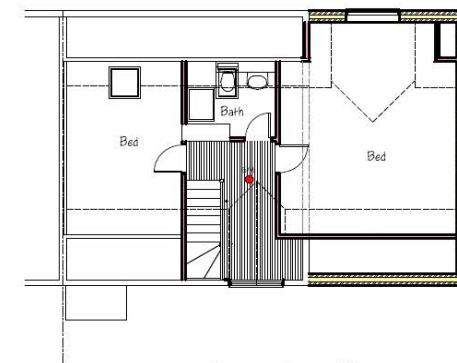
Figure 7: Previous approval 3/17/0687/HH (purple shaded area illustrating an area also erected at present referred to as an 'infill' This is the additional 12sqm sought in this application).



Ground Floor Plan



First Floor Plan

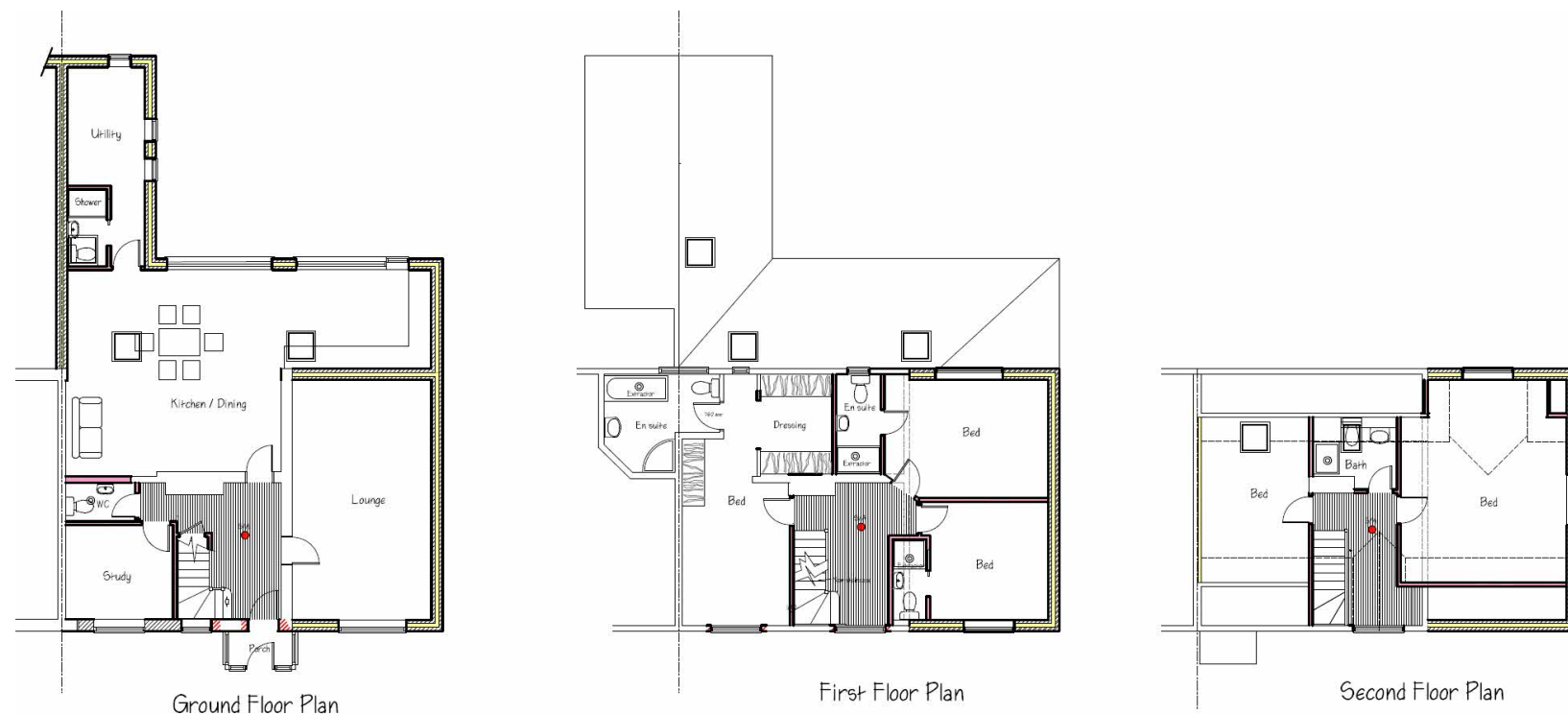


Second Floor Plan

These works were commenced but built out differently as indicated below in figure 8.

Now proposed the layout as built is indicated below;

Figure 8: As built and as now proposed



The external revisions proposed include;

- at second floor, the window to the side gable,
- at ground floor, a singular 'L' shaped sloping roof, incorporating three roof lights and changes to the fenestration at the rear and addition of 12sqm infill to the side/rear at ground floor.

Figure 9: Previously approved rear and side elevation



Rear Elevation



Side Elevation

Figure 10: Rear and Side elevation now proposed



Rear Elevation



Side Elevation

Site History

The following applications are considered relevant to this application

3/17/2457/HH	Amendment to previously approved plans (LPA ref. 3/17/0687/HH) for a two storey side extension and single storey rear extension, to include a further single storey rear extension.	Refused
<p>The proposed extension, cumulatively with previous additions to the dwelling, would disproportionately alter the size of the original building and would thereby constitute inappropriate development in the Green Belt. In addition to the harm by inappropriateness, other harm is identified in relation to loss of openness. The harm by inappropriateness, and the other harm identified, is not clearly outweighed by other material planning considerations such as to constitute the very special circumstances necessary to permit inappropriate development in the Green Belt. The proposal is therefore contrary to Policy GBC1 and ENV5 of the East Herts Local Plan second Review April 2007 and Section 9 of the National Planning Policy Framework.</p>		
3/17/0687/HH	Two storey side and single storey rear extensions	Grant permission subject to conditions
3/16/0537/HH	Two storey side extension including accommodation in roof and single storey rear extension	Refused
3/12/0710/FP	2 Storey side extension	Grant permission subject to conditions
3/02/2268/FP	New driveway/entrance from road.	Grant permission subject to conditions

Policy Context

Relevant Policies



National planning policies are set out within the National Planning Policy Framework 2023 (The NPPF).

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- a) Approving development proposals that accord with an up-to-date development plan without delay, or

- b) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - i. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, Section 12. (Achieving well -designed places) and Section 13 (Protecting Green Belt land) are of relevance.

In particular para 152

‘Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.’

Para 153 ‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’ and

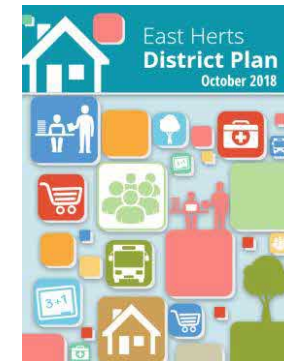
Para 154 ‘A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:...

....(c) 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’.... (authors omission of other exemptions)

In respect of openness the Planning Practice Guidance clarifies that when ‘Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume; the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and the degree of activity likely to be generated, such as traffic generation.’

East Herts Local District Plan 2018



Local planning policies are set out within the East Herts adopted Local Plan 2018. The relevant policies from these documents are detailed below.

GBR1: Green Belt

States that ‘ Planning applications within the Green Belt, as defined on the Policies Map, will be considered in line with the provisions of the National Planning Policy Framework’.

This includes no guidance on what may be a proportionate addition or clarification on what scale of proposal may be appropriate beyond the parameters of the NPPF.

NE3: Species and Habitats

New development should enhance biodiversity.

DES3: Landscaping

Proposals should retain, protect and enhance existing landscape features with mitigation only where loss is unavoidable and justified.

HOU11: Extensions and Alterations to Dwellings, Residential Outbuildings and Works Within Residential Curtilages

States that ‘Proposals for:

- extensions and alterations to dwellings;

- residential outbuildings or extensions to existing outbuildings; and
- works within residential curtilages,

will be considered against the following criteria:

(a) be of a size, scale, mass, form, siting, design and materials of construction that are appropriate to the character, appearance and setting of the existing dwelling and/or the surrounding area, and extensions should generally appear as a subservient addition to the dwelling;

(b) side extensions at first floor level or above should ensure appropriate space is left between the flank wall of the extension and the common curtilage with a neighbouring property (as a general rule a space of 1 metre will be the minimum acceptable), to safeguard the character and appearance of the street scene and prevent a visually damaging ‘terracing’ effect;

(c) flat roofed extensions, except those on the ground floor, will be refused as visually undesirable other than in those exceptional circumstances where the character of the original dwelling allows a flat-roofed design to be appropriately incorporated, or it represents a sustainable or innovative design approach;

(d) roof dormers may be acceptable if appropriate to the design and character of the dwelling and its surroundings. Dormers should generally be of limited extent and modest proportions, so as not to dominate the existing roof form’

Planning Appraisal

The following matters are relevant to the determination of this Planning Application:

- Principle of development in the Green Belt
- Design
- Residential amenity
- Parking
- Landscaping

Principle of Development in the Green Belt

Policy Position

The NPPF and Policy GBR1 of the Local Plan are clear in that extensions and alterations to a dwelling in the Green Belt are considered an exception to the usual Green Belt approach of restraint. “provided. that it does not result in disproportionate additions over and above the size of the original dwelling” (paragraph 154(c) of the NPPF).

At the time of consideration of the previous applications 3/17/0687/HH and 03/17/2457/HH the Council was applying the pre-submission version of the Local Plan to determinations and had attributed some weight to the policies contained within.

Therefore the assessment to now be undertaken reflects upon the same policy basis as the previous submissions, albeit the NPPF is in its most recent iteration.

What must be determined is whether the proposal accords with the tests set within local and national policy. Namely whether the proposals represent a ‘disproportionate’ addition, whether they ‘are over and above the size of the original dwelling’, as this would conclude whether the additions are inappropriate by definition and if they are whether Very Special Circumstances apply that would outweigh the harm identified.

Previous decisions at the site

3/17/2457/HH

As it presently stands the Council has previously considered that the proposals including the infill area are unacceptable as determined under 3/17/2457/HH for the reason outlined in full on page 11.

In summary the proposals result in disproportionate additions that are inappropriate by definition and that further harm was identified to openness, that no very special circumstance had been identified to outweigh. This reason for refusal was underpinned by then policies GBC1 and ENV5 of the Local Plan at that time. Based on the Officers Report, the proposals resulted in

11.7sqm of additional floor area that resulted in overall additions of 81% over and above the size of the original dwelling.

Whilst the Submission Local Plan Policies were a consideration, they could not be used to underpin a refusal as they were not at that time the Adopted Development Plan that had been subjected to full scrutiny at Public Examination.

It is important to note that the requirement of policy GBC1 was that;

Within the Metropolitan Green Belt, as defined on the Proposals Map, permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm.

The construction of new buildings on land falling within the Green Belt will be inappropriate unless it is for the following purposes.....

(d)Limited extensions or alterations to existing dwellings in accordance with Policy ENV5...

(Author's omission of other exemptions not relevant to this application and emphasis on limited).

Policy ENV5 Extensions to Dwellings

Within the six main settlements listed in Policy SD2 and Category 1 and 2 Villages identified in Policies OSV1 and OSV2, planning permission will be granted for extensions to existing dwellings, provided that the character, appearance, and amenities of the dwelling and any adjoining dwellings would not be significantly affected to their detriment. Outside the main settlements and Category 1 and 2 Villages, an extension to a dwelling or the erection of outbuildings will additionally be expected to be of a scale and size that would either by itself, or cumulatively with other extensions, not disproportionately alter the size of the original dwelling nor intrude into the openness or rural qualities of the surrounding area.

All policy proposals will be considered against the criteria set out in Policy ENV6.

Whilst not referred to in the reasons for refusal, the tie to policy ENV5 is clear, so the policy is detailed below and noted to broadly reflect policy HOU11 now in place. Given the lack of citing on the reason for refusal, it is assumed that the proposal was at the time of previous determination considered to adhere to the policy requirements.

Policy ENV6 Extensions to Dwellings – Criteria

Proposals for extensions to dwellings will be considered in accordance with Policy ENV5 and against the following criteria:

(a) proposed extensions should be to a design and choice of materials of construction, either matching or complementary to those of the original building and its setting;

(b) side extensions at first floor level or above should ensure appropriate space is left between the flank wall of the extension and the common curtilage with a neighbouring property (as a general rule a space of 1 metre will be the minimum acceptable), to safeguard the character and appearance of the street scene, existing trees and hedgerows, and prevent a visually damaging “terracing” effect;

(c) two storey extensions to semi-detached and terraced properties will not be permitted where they would significantly detract from the amenities of any neighbouring property by shadowing, loss of privacy, or similar;

(d) flat roofed extensions, except those on the ground floor, will be refused as visually undesirable other than in those exceptional circumstances where the character of the original dwelling allows a flat-roofed design to be appropriately incorporated;

(e) roof dormers may be acceptable if appropriate to the design and character of the original dwelling and its surroundings. Dormers should generally be of limited extent and modest proportions, so as not to dominate the existing roof form.

Mindful of the above policy it is clear that the Green Belt test is that the extension should be ‘limited’ and that policy ENV5 then

goes on to apply a proportionate approach. This is now revised in Green Belt Policy and there is no requirement for limited additions, only that they should not be disproportionate and that this should not be over and above the size of the original dwelling. The Officer when considering the 81% floorspace additions did acknowledge the ‘relatively limited size’ of the original dwelling, but this suggests the extensions were not considered limited and thus were inappropriate. The policy stance when the proposals were last assessed was more restrictive in nature. This in itself suggests a review of the decision in the present policy context is reasonable. The Case Officer also concluded that as an addition eroding areas absent of buildings, the proposals further eroded openness and that the previous extension had a visual benefit to the appearance of the semi-detached pair and that the infill did not provide any further benefit to the visual appearance of the dwelling. This suggests there were no further Very Special Circumstances to be considered and thus the application failed, this submission is now accompanied by further Very Special Circumstances as shall be elaborated upon in the following pages.

3/17/0687/HH and applications associated

This application was a resubmission of 03/16/0537/HH (which was a previously wider two storey side extension that was an 87% increase in floorspace when refused). Application 03/17/0687/HH reduced the proposals to a 69% increase in floorspace and Officers concluded that whilst inappropriate in the Green Belt as disproportionate, the proposals had visual benefits to the semi-

detached pair, with the attached neighbour having extended significantly, and the result of the additions would be a balancing of the pair of dwellings. This visual enhancement was considered sufficient to offset the harm identified by reason of inappropriate development and the loss of openness to the side of the dwelling.

Thus previously Officers weighted issues in application 03/17/0687/HH as follows

- Inappropriate development by definition – significant weight
- Harm to openness – Significant weight
- Visual benefit achieved by balancing the semi detached pair of dwellings – Very significant weight

This analysis was conducted in the context of a 69% addition of floorspace.

At an 87% increase in floorspace (at two storey height with a wider side extension) under 03/16/0537/HH Officers concluded for an 87% increase in floorspace

- Inappropriate development by definition – Very significant weight
- Harm to openness – Very Significant weight
- Visual benefit achieved by balancing the semi detached pair of dwellings – Very significant weight

The application scheme under 03/17/2457/HH assessed the same 11.7sqm and 81% increase in floorspace. The same balancing exercise was conducted as per 03/17/0687/HH above was

conducted, however the further extension was considered to result in additional harm to openness, therefore altering the balance to

- Inappropriate development by definition – significant weight
- Harm to openness – Very Significant weight
- Visual benefit achieved by balancing the semi detached pair of dwellings – Very significant weight

This was based upon the definition of openness being the absence of dwellings. It is the Applicants position that this balance is now altered with the case for very special circumstances accompanying this application.

Very Special Circumstances

- 1) Cumulatively that the combined VSC are sufficient together to allow the granting of permission;
- 2) Balancing of the semi-detached pair - significant weight
- 3) Previous local determinations - moderate weight
- 4) Limited visibility of infill in context of approved structures
- 5) Benefits to the homeowner
- 6) Ground level and boundary treatments limiting visual impacts – significant weight
- 7) Removal of PD of far greater effect – significant weight

1. VSC case law cumulative impacts

It is established that ‘there is no prescribed list of what may constitute very special circumstances as the circumstance being ‘very special’ has to be considered in the context of the particular application or appeal’ as established in Chelmsford BC v FSS [2003] EWHC 2978 (Admin). The decision also determined that ‘it is for the decision taker to judge whether, in that context, a particular circumstance or combination of circumstances amounts to “very special circumstances”’. And was further accepted ‘that the weight to be attributed to any particular consideration is, subject to considerations of Wednesbury reasonableness, a matter for the decision taker:’

In summary the consideration of very special circumstances can vary widely, may not be very special when considered for one application but may be for another and that very special circumstances must be considered and balanced in isolation and combination and that ultimately very special circumstances will exist if the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

It is our case that whilst some very special circumstances are by themselves sufficient to be afforded significant weight, that together the combination of circumstance is so unusual that this is very special, unlikely to be easily replicated and that the circumstances outlined clearly outweigh the harm identified when applying the Wednesbury principles.

2. Balancing of the semi-detached pair

When determining application 3/17/0687/HH the previous Officer confirmed an increase in floor area of 69% as proposed by the former scheme. When previously assessed under 03/17/0687/HH the quantum and layout of development was identified as inappropriate but mitigated by other circumstances, namely the balancing effect with the attached neighbour achieved by the proposed additions.

This application would remain to visually balance the appearance of the semi-detached pair, as the street facing elevation is unchanged, thus this benefit must retain the weight afforded in the previous determination.

The glimpsing side views of the property are only possible in the absence of a solid boundary erected to the side of the dwelling.

Figure 11: The existing 1m high open bar gate to the side



Were the applicant to erect to the side of their home a 2m high close board fence as permitted without planning permission, then views of the side extension would be entirely obscured.

Figure 12: Front elevation of pair of dwellings as proposed (unchanged from 03/17/0687/HH)



Figure 13: Rear Elevation of pair of dwellings as proposed



As is apparent the attached neighbouring property maintains a wider footprint, with a greater enclosure of views in and around the property than the application site at number 36. Thus the balancing of the semi detached pair as a result of the extensions should retain very significant weight as a very special circumstance when weighed against the harm identified.

3. Previous decisions in East Herts

The Council has previously accepted for this site that adverse impacts arising from development that is inappropriate by definition and that has an impact to openness by way of infilling the space to the side of the dwelling can be mitigated by the significant benefits of balancing the visual appearance of the pair of properties as outlined above.

03/11/0512/FP

Under reference 03/11/0512/FP for Brambles in London Road, Spellbrook the Council permitted extensions of 83sqm that resulted in a cumulative increase with previous extensions of 289% This was acknowledged as disproportionate but considered alongside impacts to local character and appearance and impacts to openness and rural qualities of the local area. The proposals related to ground floor additions only and the Council referred to an associated Appeal decision where the Inspector determined ‘while the single storey element of the scheme would not, in itself be significant in terms of the scale and size of the existing dwelling.....’ to conclude that whilst overall additions were

disproportionate, when considering the ground floor extension in question itself, they would not be significant, would not harm the character and appearance of the existing dwelling, nor intrude in the open and rural character of its surroundings. It was also noted there was no further bedroom accommodation created and that the 'lean to' and 'wrap around' design would be subservient to and compliment the existing character and appearance of the dwelling and not be visible from the highway (para's 7.4 and 7.5 of the Officer Report in Appendix 1.). Thus weight was afforded to the limited size, scale and massing of the addition to justify a departure from policy GBC1. Given the comparables of the nature of the proposal, relating to a small scale ground floor infill. Whilst not a conservatory design, the proposals relate to a lesser scale of additions than in the example and as such should be afforded at least significant weight when balanced against the same in principle harm identified (when compared to the very significant weight needed to outweigh the harm in the case referred).

03/15/0908/HH

Under reference 03/15/0908/HH the Council permitted additions of approximately 70% to a dwelling in St Leonards Road despite acknowledging the proposals represented disproportionate additions to the dwelling. The Report indicates that the very special circumstances in this instance were the provision of a s106 relinquishing an already approved scheme for development of a similar floor area but at 3 storeys and the ability of the applicants to erect a similar scale of development under permitted development. These circumstances combined were sufficient to

justify the issue of an approval (para's 7.16-7.19 of the Officers Report in Appendix 2).

Mindful of the Applicants extensive Permitted Development that remains intact to erect outbuildings to the side of the dwelling or ability to provide a larger home extension to the immediate rear of the property under the prior approval process, both of which would be far greater in floor area than the proposed wrap-around infill, it is considered that at least significant weight should be attributed to the factor that in the case indicated previously attracted very significant weight sufficient to outweigh the harm identified.

4. Limited Visibility of infill in context of approved structures

The proposed ground floor wrap around infill is located to the rear of the property, where by nature it is less conspicuous. The infill in this location is viewed strictly in the context of the existing building and approved extensions and would therefore not encroach visually to a greater degree into the Green Belt than the existing/approved structure.

At 36 the addition of the ground floor infill (allowing a 'wraparound') is limited with views from the front obscured by the approved dwelling, views from the side being in the context of approvals of the same scale behind and would be obscured entirely were a closed boundary erected, and to the rear, views are obscured entirely by the significant ground level variance and

landscaping beyond the timber yard, but were this not the case, then the floorspace is again viewed against the approved structures on the dwelling.

As a result the proposed infill neither encloses or obscures any pre-existing views to any greater degree than existing approved structures and in accordance with the judgement *Timmins v. Gedling Borough Council* [2014] EWHC (England) 654 (Admin) the openness is retained as the proposal ‘neither encloses or obscures any pre-existing views. It is therefore considered that the development preserves openness and accordingly the first test for the Paragraph 146 exemption is met. When considering whether the openness of the Green Belt is preserved, it is relevant to consider Lord Justice Lindbolms’s conclusion in The Court of Appeal’s decision of *Samuel Smith* [2018] EWCA Civ 489 that “the concept of preserving “the openness of the Green Belt” in paragraph 90 is not, and cannot be, synonymous with the concept of no physical change. Otherwise, as the court recognized in *Europa Oil*, the policy would be unworkable”.

Openness is not defined, but case law has established openness must not be considered volumetrically alone, or by the absence of development or simply by visual impact. Instead, a combination of all must be considered.

Mindful of this comparison, the impacts to be mitigated are the inappropriateness by definition, and the loss of openness as there is no longer an absence of buildings by definition, rather than a tangible loss of open views into and around the property and this should be carefully balanced against the absence of tangible harm and the benefits of the extension to the homeowner.

5. Benefits to the homeowner

The Council has also previously noted that the original property was modest as a property comprising two rooms up and two rooms down. When compared to modern living expectations and the National Space Standards, the original dwelling would not meet the required standard, thus to consider the home when extended as too large, fails to consider the previous poor scale of accommodation, and that policies relating to extensions are intended to facilitate the addition of accommodation for the occupants, not simply bring the dwelling to modern living expectations. The modest scale of accommodation from which extensions are calculated and the resultant enhancement of accommodation and extension to meet living standards should be attributed at least moderate weight.

6. Ground Level and boundary treatments limiting visual impacts

When determining previous applications there has surprisingly been no mention of the significant ground level change.

The effect of the ground level variation and the surrounding retaining walls is that views of the additions from the rear and neighbouring properties are extremely limited, meaning the visual interpretation of openness in and around the site is very limited. This is also a mitigating circumstance that should be attributed significant weight due to the lack of demonstrable harm.

Figure 14: Views to the side that are provided only by open low level boundary treatments.



Figure 15: Views at the rear are obscured by the significant uplift in ground level to the rear of the timber yard



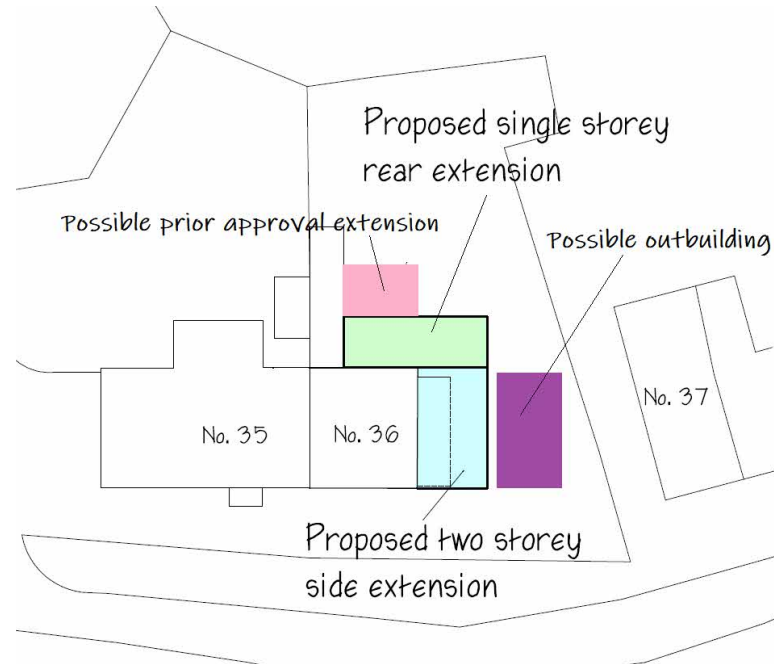
Views to the side of the property are in the context of existing buildings and retaining walls to the boundaries of neighbouring sites.

7. Fallback opportunity for alternate development under permitted development including rear extensions and outbuildings that would permit far greater additions than the 12sqm proposed

Given the example under VSC 3- Previous decisions in East Herts for **03/15/0908/HH** has established that the ability to provide other extensions of greater significance under lawful development should be attributed weight, we wish to identify for the purposes of the fallback position, that the applicant is able to extend to the rear of the dwelling by up to 6m under a prior approval application and that this would extend accommodation to a depth akin to the existing outshot. Also should the applicant wish they can erect outbuilding for up to 50% of the curtilage and this could include infilling the area to the side of the dwelling with a detached outbuilding, not forward of the front wall of the property.

The possible floor area of those additions is represented below in the indicative block plan.

Figure 16: Indicative area of extensions possible under prior approval notification and erection of outbuildings.



It is clear to see that the areas identified far exceed the small addition to the immediate rear of the two storey side extension as indicated.

Summary of Very Special Circumstances

The combination of factors, in particular the historic significant weight provided to the balancing of the pair, the historic approach to Green Belt very special circumstance in the District,

the limited visibility of the additions, the benefits to the homeowners, the highly unusual ground level changes in the immediate locality and the removal of PD rights to prohibit the exercising of a fallback provision of a greater scale of accommodation would together provide range of circumstances unlikely to be replicated elsewhere and sufficient together to represent not only special circumstance but very special circumstance that together outweigh the harm identified and justify a departure from usual policy approach in accordance with the Wednesbury Principles.

Design

The proposed revisions to design improve the fenestration and remove flat roof elements from the scheme. Policy HOU11 under Clause(c) clearly expresses only a limited number of circumstances where flat roof additions will be accepted. Thus it is anticipated that whilst not expressly prohibited to have flat roof additions at the rear, the removal of flat roofs should be considered a design enhancement.

In respect of fenestration changes, these are modest, minimal, to the rear and include revisions to number of openings and locations. These are not anticipated to be harmful to either openness, neighbouring amenity or local character. The design implications of retaining the infill addition are modest with only glimpsing views of the rear addition presently possible due to a relatively visually open from gate. Were a more solid boundary

treatment provided, this view would be eroded, rendering visual impacts to local character minimal at best. In this context design impacts and impacts on local character are considered minimal.

Residential Amenity

The proposals are well separated from neighbouring properties by either existing structures subject to works or significant height retaining walls, or vast ground level change. In the context of the boundary treatments and the very varied ground levels, the proposal changes would have no meaningful impact on neighbouring living conditions.

Previous applications have raised concerns regarding the impacts on neighbouring privacy arising from flank windows. This can be mitigated by condition requiring the window to be obscure glazed.

Parking

The proposals result in no change to parking provision from issues previously considered, therefore no harm is identified.

Landscaping

The proposals result in no change to landscaping provision, as such the proposals remain to accord with policy requirements.

Summary and Conclusions

The application seeks permission to make alterations to 36 Pye Corner in a manner akin to 03/17/0687/HH. Namely a two-storey side extension, single storey rear extensions and changes to fenestration.

The proposals seek to revise windows on the extensions and roof forms at the ground floor rear. These alterations are modest in nature and are not considered to result in impacts that differ significantly from the proposals previously benefitting from consent. In this context it is hoped the Council will allow the changes.

This application seeks to retain an existing small infill area less than 12 sq. m. This creates a ground floor wrap-around addition.

This application is accompanied by a detailed case for Very Special Circumstances that it would not be possible to replicate on another site and circumstances that together represent a very special situation that outweighs the harm identified and it is hoped will allow Officers to permit the retention of the small addition. Whilst acknowledging the Council has previously refused a scheme that is largely the same, this was not accompanied by any Very Special Circumstances and was assessed under the previous Local Plan policies with an emphasis

on 'limited' extensions as opposed to the test of what is proportionate in the NPPF and Local Plan today.

Whilst accepting that the Council will not interpret the additions as proportionate, it is hoped it will be acknowledged, the additions are not over and above the size of the original dwelling and that the harm as identified is outweighed, as demonstrated, by the very special circumstances put forward.

Mindful that the application satisfies the other relevant policies as per the previous permission it is hoped Officers will support this application.

Conditions suggested are as per those affixed to 3/17/0687/HH;

- 1) Development in accordance with approved plans (namely the proposed elevations and block plan);
- 2) Matching materials;
- 3) Provision of frosted finish or obscure glazing to the flank gable window; and
- 4) Should Officers wish to restrict permitted development under Class A then the applicant would be willing to agree to this.

Should Officers wish to discuss any element of the application of the Appeal, please do contact the Agent.