

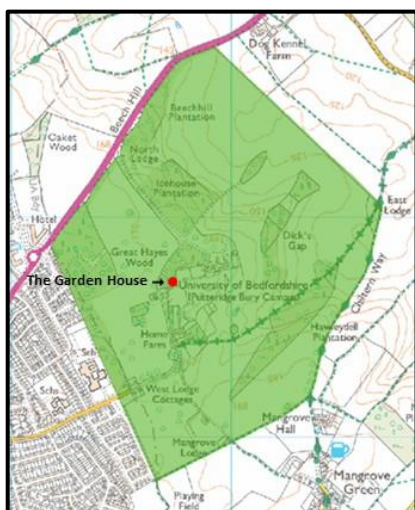
Appeal Statement

Application	24/02693/FPH
Appellant	Mr and Mrs Horsted
Site Location	The Garden House, Putteridge Park, Near Luton, Herts., LU2 8LD
Proposal	Two storey side extension and alterations to fenestration
Planning Authority	North Hertfordshire District Council (NHDC)
Decision Notice Date	15 th January 2025
Planning Decision	Refusal of Permission

Site and Surroundings



The application site falls within the greenbelt and within Putteridge Park (indicated below left in green), being a Grade II registered historic park and garden. The building (pictured above) and the application site boundary (indicated below right in red) is not listed, but is attached to a Grade II listed wall with the property located on the south side of the circa 2.5 acre site.



To aid consideration of this appeal, at the end of this statement, Appendix 1 contains the proposed floor plans and Appendix 2 contains the proposed elevations.

The Common Ground

The areas of common ground in relation to the NHDC Delegated File Note are

- *“4.3.9 There are no objections to the re-sited ground floor side window as this will have similar impacts to the existing window as both locations are close to each other.”*

Agreed.

- *“4.3.10 The building has a Grade II listed wall built into its rear that forms part of the outer wall of the walled garden of Putteridge Bury. The proposed extension would be wholly on the south side elevation, not the rear, and will not physically affect the wall. It’s not considered that the extension will be harmful to the setting and significance of the listed wall due to its small size and as it won’t have greater impacts on the setting and significance as the existing building. In this regard the proposal complies with S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.”*

Agreed.

- *“4.3.11 In terms of the proposed design and assessment of the impact of the proposal on the character and appearance of the area this is undertaken in relation to the existing dwelling house. Notwithstanding the identified harm to the Green Belt, the extension would be small in relation to the present dwelling and would not result in significant harm to the character and appearance of the host dwelling and the surrounding area. Whilst the extension would have a spatial and visual impact upon the Green Belt it would be set back from the front of the dwelling and site and appear subservient to the existing dwelling house. The extension for the reasons set out above would not result in harm to the significance and setting of the Historic Park and Garden. Therefore, notwithstanding the identified harm to the Green Belt, the proposal complies with Policies D1, D2 and HE1 of the adopted Local Plan; and Sections 12 and 16 of the NPPF.”*

Agreed.

- *“4.3.13 The proposed extension would project for a small depth out from the side of the building and would have a hipped roof, and would be clearly set away from the garden and building of Luke’s Place. As such it’s not considered that the proposed extension would appear overbearing from or cause loss of light for that neighbouring building. The first floor front window of the extension would primarily provide views of the driveway of the site and will not cause loss of privacy. The proposal is not considered harmful to amenity. The proposal complies with Policy D3 of the adopted Local Plan and Section 12 of the NPPF.”*

Agreed.

In relation to Consultee Comments and Public Comments

- The consultee comment from the NHDC Ecologist was that there was no ecological objection
- The consultee comment from The Gardens Trust was that they did not wish to comment on the proposals at this stage and that this did not signify either approval or disapproval of the proposals
- The other consultee (Offley Parish Council) elected not to comment
- There were no public comments

Since the planning decision David Barnard, our local councillor for North Hertfordshire District Council and Hertfordshire County Council has expressed strong support for our appeal and has undertaken to submit a statement of support.

As can be seen above, there are numerous areas of common ground and agreement and also a consistent lack of objection from consultees and the public in relation to the proposal.

Areas of Difference

The two areas of difference in relation to the NHDC Delegated File Note are

1) Green Belt Issues

- *“4.3.3 In assessing the proposal against the above criteria, the proposed development is considered to be an addition to the dwelling. The existing dwelling is not original, having been extended following planning permissions 99/01329/1HH, 01/00223/1HH, 05/00198/1HH, 12/00241/1HH, 17/00412/1HH, and 19/00575/FPH.”*

The second approved planning permission (01/00223/1HH) included both a side conservatory and a double garage. The side conservatory was built, however, the double garage element of this permission was never built as it was superseded by the subsequent third approved planning permission (05/00198/1HH) to erect a triple garage, which was subsequently built. Having remeasured each of the built planning approvals, their more accurate areas are:

• 99/01329/1HH - Two storey front extension with new chimney stack - Approved 08/12/9	c98m ²
• 01/00223/1HH - Side conservatory - Approved 09/04/01	c14m ²
• 05/00198/1HH - Detached triple garage - Approved 21/03/05	c44m ²
• 12/00243/1LB & 12/00412/1HH - Single storey rear extensions - Approved 03/04/12	c21m ²
• 17/00412/1HH - Dormer window to rear elevation - Approved 27/04/17	c5m ²
• 19/00575/FPH - Single storey front extension - Approved 16/05/19	c11m ²
Total	c190m ²

This recalculated total of c190m² includes the 44m² triple garage which is located more than c5m from the property.

- *“4.3.4 The dwelling before the 1999 planning permission is considered original. The cumulative increase in floorspace following the 1999 and subsequent approvals is about 122%, based on the floorspace at 1999 as being approx. 197 sqm. The proposed side extension would increase this further to approx. 125%.”*

NHDC's assertion that the built additions already total c122% on the c197m² original property would equate to a total of c240m² of additions to date, which, as can be see above, cannot be the case.

The addition of the current application would increase the additions from the current c190m² to circa c199m² which would equate to the current total additions compared to 1999 being c96%, rising to c101% with the proposed addition, materially less than the NHDC calculations of c122% and c125% respectively.

- *“4.3.5 Notwithstanding the relatively modest scale of the proposed extension compared to the existing dwelling, planning policy requires the assessment to be against the original dwelling house. The cumulative enlargement to the original building equates to a total of 125% increase in the original floorspace, which is considered to be a disproportionate addition over and above the size of the original building. Therefore, the proposal is contrary to 154 c) of the NPPF, and is inappropriate development, which by definition is harmful to the Green Belt.”*

The basis on which the proposal has been deemed inappropriate development is erroneous. The c125% total approximated by NHDC is incorrect with the more accurate approximation being c101%.

NHDC's conclusion that the proposal is an inappropriate development is based on NHDC's incorrect approximation that the property has already been expanded by c122% and that the proposal would increase the additions to c125% whereas the more accurate approximation is that the correct respective numbers are c96% and c101%.

NHDC recognises and the appellant agrees that the proposed extension is of 'relatively modest scale' which we agree with and would contend indicates that the effect on the openness of the greenbelt is substantively diminished when incorporated with the correct estimates as shown above.

- *"4.3.6 To further assess the proposed impacts on the Green Belt, the site contributes to purpose c) of 143 of the NPPF, which is to assist in safeguarding the countryside from encroachment. The proposed development through the addition of a further extension would extend the built form of the main dwelling further south, albeit the development would be on an existing gravel driveway which is near a site boundary wall and two other buildings. Notwithstanding the limited size of the proposal, this would result in encroachment into the countryside."*

The encroachment into the countryside further south amounts to c1.4m with the resultant extension being a minimum of c5.5m from the boundary wall.

NHDC recognises, and the appellant agrees, that the development would be on an 'existing gravel driveway' and would be of 'limited size'. The appellant contends that the extent of the encroachment into the countryside would be minimal.

- *"4.3.7 The proposed extension would be visible outside the site to the west, and it would result in a further enlargement of the building to the south. The proposal would therefore result in loss of openness to the Green Belt, spatially and visually. This is additional harm above harm that would be caused by reason of inappropriateness."*

The visibility of the extension to the south would be to the extent of c1.4m resulting in minimal loss of openness to the Green Belt and the spatial and visual impact on the west view would be negligible.

- *"4.4.1 The proposal would harm the Green Belt by reason of inappropriateness, would conflict with one Green Belt purpose (purpose C) and result in further harm through loss of openness."*

For the reasons provided above and below, the appellant disagrees with this assertion.

2) Very Special Circumstances (VSCs)

- *"4.4.3 In assessing this VSC put forwards, while it's acknowledged that the new bathrooms would provide additional facilities, there are bathrooms on both floors of the dwelling. albeit they're slightly further away from the downstairs bedroom."*

The reference to upstairs bathroom facilities is irrelevant to the VSCs, which relate to, and are solely driven by, the need for downstairs shower and toilet facilities to meet the needs of a frail, elderly, disabled occupant.

The downstairs bathroom is c11m away from the converted disabled downstairs bedroom, which is the closest room to the downstairs bathroom. While the bathroom being c11m+ distance would not be a VSC for an able-bodied person, it is a VSC for a frail, elderly, disabled person who needs close proximity shower and toilet facilities.

- *"4.4.4 The dwelling is also relatively large, with many rooms. A ground floor bedroom with en-suite bathroom could be provided on the ground floor within the existing building envelope through repurposing of one or more rooms. For example, the existing cinema room could be changed to a bedroom, and an en-suite bathroom provided within that room. Although at first floor level there are currently 4 en-suite bathrooms/shower rooms and a family bathroom, a smaller en-suite could also be added into the first-floor bedroom the proposed en-suite would serve."*

Prior to deciding to undertaking the planning process, numerous internal reconfigurations were considered and none of them provided a satisfactory solution.

The cinema room is used every evening by the occupants, has the only fireplace and chimney breast in the house and a reconfiguration as suggested would be detrimental to the amenity of the property and require significant additional expense and redesign.

The reference to the 1st floor level bathroom facilities is irrelevant to the VSC, which relates purely to, and is driven solely by, the need for downstairs shower facilities adjacent to the converted disabled downstairs bedroom.

The reference to a smaller ensuite being added to the 1st floor bedroom is irrelevant as the VSC relates only to the need for downstairs facilities for the frail, elderly, disabled occupant.

- *"4.4.5 Due to the above it's not considered that there are VSC's for the proposed extension, as the proposed bathrooms could be accommodated internally."*

For the reasons provided above, the appellant disagrees with this assertion.

Communication

The NHDC Delegated File Note states that

- *"5.1 ... Proactive Statement: ... The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015."*

In relation to communication with NHDC:

- Prior to the planning decision, NHDC elected not act proactively through positive engagement as its view was that the proposal was unacceptable in principle and the fundamental objections could not be overcome through dialogue
- Had proactive dialogue been undertaken by NHDC then the errors and misunderstandings highlighted above could have been discussed resulting in a different decision outcome
- Subsequent to the planning decision, in response to an enquiry about reducing the extension down from two storey to a single storey extension, NHDC confirmed by email that it was likely that a single storey extension would also be refused on Green Belt grounds due to previous additions to the house, a view point that was based on erroneous assumptions as outlined above
- It would have been our strong preference for there to have been a proactive discussion during the decision process and also an ongoing discussion since the decision, however, NHDC has elected not to engage at any stage and, therefore, there are no ongoing or anticipated discussions to resolve the areas of difference

Summary

- *"4.3.8 Inappropriate development in the Green Belt should not be approved except in very special circumstances (VSC's), as stated in para. 153 of the NPPF. VSC's 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. Whether there are any other harms and VSC's will be assessed at the end of this report."*
- *"4.3.2 The site is in the Green Belt. Policy SP5 of the adopted Local Plan states that the Council will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated."*

- *“5.1 Recommendation. That planning permission be REFUSED for the following reason: The proposed development would be inappropriate development in the Green Belt by definition and would cause further harm through loss of openness. The proposal does not comply with Policy SP5 of the Local Plan and Section 13 of the NPPF.*

The three paragraphs above from the NHDC Delegated File Note summarise the three key areas of difference

- Whether or not the proposal represents inappropriate development in the Green Belt
- Whether or not the proposal would cause harm through loss of openness in the Green Belt
- Whether or not VSCs exist in relation to the proposal that outweigh other considerations

Concerning the two Green Belt issues, the appellant’s position is that

- The decision to refuse in relation to inappropriateness in the Green Belt has been based on erroneous estimates and assumptions
- The extent of the detrimental impact of the proposal on the openness of the Green Belt has been overstated

Concerning the issues around the VSCs, there have been many occasions where medical conditions and personal situations have equated to VSCs, allowing development to go ahead in the Green Belt in relation to NHDC and other planning authorities, that have resulted in successful appeals based on personal circumstances. Therefore, no precedents will be set or broken in this case if this appeal were to be upheld.

VSCs 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. It is contended by the appellant that minimal potential harm to the Green Belt, the extent to which the proposal is inappropriate and the minimal extent to which it would affect the openness of the greenbelt is significantly outweighed by importance of the VSCs and, particularly, the need for downstairs close proximity shower and toilet facilities for a frail, elderly, disabled occupant plus the likelihood of future similar needs for another current occupant who has serious long-term mobility affecting health issues.

Conclusion

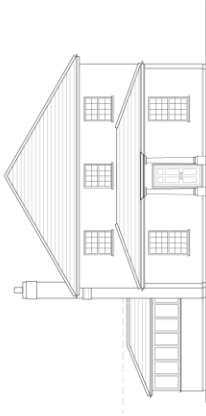
The appellant’s view is that NHDC has overstated the negative impact of the proposal on the Green Belt and understated the validity and importance of the VSCs, resulting in an erroneous refusal decision.

It is the appellant’s position that there are sufficient factors in favour of allowing the proposal that outweigh any potential harm resulting from it, such as to constitute the VSCs required by paragraph 144 of the NPPF, the key factors in favour of this conclusion being

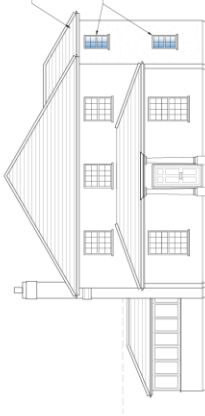
- The need for close proximity downstairs shower and toilet facilities for a frail, elderly, disabled occupant
- The need to manageably utilise family and other local support to avoid the use of care home facilities
- The ongoing likely needs of one of the current occupants, who has serious long-term health issues

Appendix 2 - Proposed Elevations

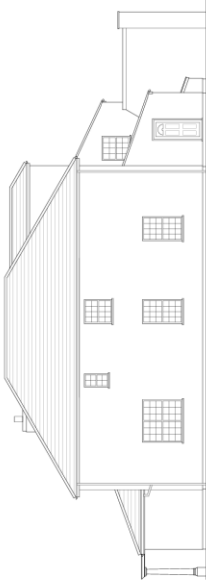




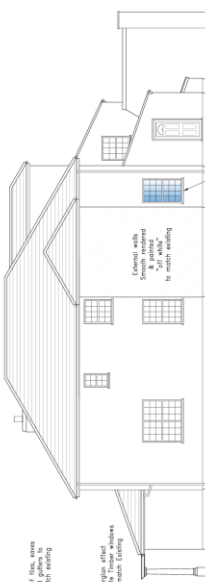
Existing Front Elevation - West
Scale 1:100



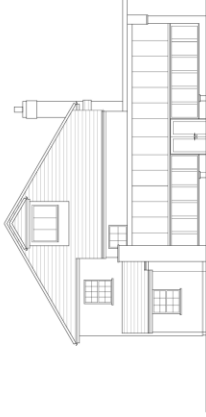
Proposed Front Elevation - West
Scale 1:100



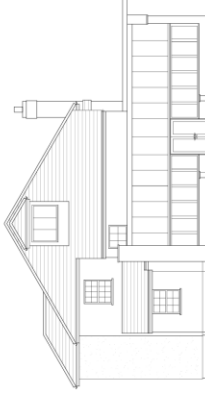
Existing Side Elevation - South
Scale 1:100



Proposed Side Elevation - South
Scale 1:100



Existing Rear Elevation - East
Scale 1:100



Proposed Rear Elevation - East
Scale 1:100

AAC Design Architectural Design Specialists	
Title	Proposed Two Storey Side Extension
Details	Elevations - Existing & Proposed
Property	The Garden House, Putteridge Park, Near Luton, Herts, LU2 8LD
Client	Mr & Mrs Horsted
Scale's	1:100
Drawn No.	0773-3
Rev	A
Issue	3 of 3
Date	Nov 2024
Drawn Size	A1

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