

Appeal Decision

Site visit made on 8 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: 3rd January, 2017

Appeal Ref: APP/A1910/W/16/3155913

7 Tring Road, Wilstone, Hertfordshire, HP23 4NU

- 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 Glasser against the decision of Dacorum Borough Council.
 - The application Ref 4/04008/15/FUL, dated 15 December, 2015, was refused by notice dated 12 February, 2016.
 - The development proposed is construction of new dwelling adjoining existing motor house (revised scheme).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area, including the Wilstone Conservation Area, and whether, with regard to the development plan and the Framework, the proposed development would harm the countryside.

Reasons

3. No. 7 Tring Road is a large bungalow set back from the frontage of Tring Road, and located on the edge of Wilstone. To the rear of the garden there is a paddock and stables, and beyond that open fields. The appeal site is an irregularly shaped plot occupying the southern part of the garden and taking in a pond and a quadruple garage known as the "Motor House".
4. The appeal site is within the Wilstone Conservation Area but outside the identified village boundary. Adjacent and to its south is The Mill, a modern housing development, and to south and east, St Cross Church. To the east there is an open green leading onto Tring Road.

The effect on the character and appearance of the area including the Wilstone Conservation Area

5. The appeal site is part of an unusually large garden, which is chiefly open and gives onto the adjoining paddock and open countryside beyond. The garden sits behind the rear boundary of the generally generous gardens of houses set directly on Tring Road, with the Cowhouse set close to that boundary and motor house close to new houses to the south on The Mill. The garden is well
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- stocked with mature trees and bounded with hedges and naturalised hedgerows. This site therefore, although not in the open countryside, provides a transition from the village edge to the open countryside beyond.
6. The appeal proposal is for a large, two-storey, four-bedroomed house running south west from the motor house, which would function as its lobby and garaging. While thought has evidently been given to its siting in order to reduce its effect on openness, it would nonetheless introduce a substantial built element into the appeal site which would diminish its openness and that of its wider garden setting. The proposed development would therefore be seen as an encroachment of the more developed part of the village north and west into its open setting, and would harm its rural character thereby.
 7. The Council has mentioned the possibility of development of this kind setting a precedent for other similar developments on the margins of Wilstone. I consider that this is not a generalised fear as there are other sites on the edge of the village and outside the defined boundary where, if the appeal were to be allowed, it would be more difficult for the Council to resist similar development, and the cumulative effect on the rural character and identity of the village would as a result be harmful.
 8. Although there is no Conservation Area Appraisal for Wilstone, the location of the conservation area boundary appears significant. While it excludes the unremarkable development at The Mill, and formerly its industrial predecessor, it does take in no. 7 and its garden, and it is reasonable to conclude that at the time of designation these were considered to make a positive contribution to the character and appearance of the area. They form part of the open and sylvan rural backdrop to the village, and part of the setting of the church. No. 7 itself is of limited architectural interest, being a modern bungalow, while The Motor House has some slight quirky interest as a small functional building in a loose vernacular style.
 9. The proposal would therefore, by introducing a substantial built element into the open backdrop to the village, also have a harmful effect on the character and appearance of the conservation area. The proposed dwelling would be close to no. 17 The Mill and the double garage adjoining it, forming a dense cluster of buildings at that point which would exacerbate this harmful effect. It would therefore reduce the openness of appeal site and adjoining garden area, which make a positive contribution to the character of the conservation area at this point, causing harm to that character.
 10. Design issues need to be considered in their specific context. The proposed house would be relatively bulky in comparison to the motor house, while presenting a long and relatively blank elevation towards the Mill, and a complex arrangement of built form and roofline towards the garden of no. 7. The design comprises a number of elements, including a cross-wing, asymmetrical gable on the south west elevation and large areas of glazing which are overly modern and domestic in style, and in combination produce a rather fussy and over-complicated structure, which would therefore tend to draw attention to itself, and to exacerbate further its intrusive effect in its open setting, and the harm caused to the conservation area.
 11. Although partially shielded by hedgerows and trees, there is still nonetheless visibility into and through the site, from properties in the vicinity, the path to the rear, and from Sandbrook Lane to the north. The appeal building would

also be visible along The Mill from the vicinity of the church, and across the green running to the north of The Mill. While it would be peripheral in these views, it would still be visible. I do not therefore consider that the effects of the appeal proposal would be well screened, and this would not mitigate the harm identified.

12. As the proposal would involve the provision of a single building, and as it would be partially screened by adjoining buildings and vegetation, I conclude that the harm to the setting of the conservation area would be less than substantial. Paragraph 134 of the Framework requires that less than substantial harm to the designated heritage assets should be balanced against the public benefits of the proposal.
13. The appeal proposal would provide a public benefit in the form of a single additional dwelling, but this benefit would be minor. It would sit at the edge of Wilstone and close to other dwellings, and as would not come under the definition of an isolated development in a rural area for the purposes of paragraph 55 of the Framework, it would provide some support to the viability of local services and facilities and thereby some benefits in terms of sustainability. However Wilstone is a settlement with a limited range of services and facilities and, these benefits would also be minor. Therefore there would be little public benefit arising from the proposal to offset the identified harm to the Wilstone Conservation Area, to which I must attach considerable importance and weight.
14. I have considered the appeal decision (ref. 2211268) relating to Nash Cottage, and the findings of the inspector relating to the effects on the character and appearance of the countryside and of the conservation area. I conclude however that the circumstances of that case are not directly comparable to this one, in that Nash Cottage was well screened from exterior views, and the proposed building represented a modest increase in size over the existing static home. This does not therefore cause me to alter my conclusion on this proposal.
15. As I have concluded that the appeal proposal would have a harmful effect on the character and appearance of the countryside and of the Wilstone Conservation Area, it would therefore conflict with Policy CS7 of the CS which seeks to protect the Rural Area from development pressure, with Policy CS27 of the CS, and saved Policy 120 of the Dacorum Borough Council Local Plan 1991 – 2011, adopted April 2001 (the LP) which seek to ensure that the integrity, setting and distinctiveness of conservation areas and their appearance and character will be conserved and enhanced. The harm identified to the rural setting of Wilstone and to the conservation area also conflict with the provision of the Framework.

Whether, with regard to the development plan and the Framework, the proposed development would harm the countryside

16. The starting point for decision making must be the development plan. While the village envelope for Wilstone is yet to be identified in a Site Allocations DPD, the existing boundary is saved as part of the LP, and no changes are proposed. I must therefore accord weight to this, and conclude that the appeal site is within the rural area, and saved Policy CS7 of the Adopted Core Strategy 2013 (the CS) is relevant.

17. There is disagreement between the parties as to the meaning of Policy CS7. On the face of it, where the second part of the policy states at (i) that small scale development will be permitted for the uses listed in the first part, this does not appear to mean that only these uses will be permitted. It goes on to say at (ii) that existing buildings may be replaced for the same use and at (iii) that there may be appropriate reuse of existing buildings, without in either case restricting those developments to uses to the list in the first part of the policy. I take this to mean therefore, that the redevelopment of previously developed sites for uses outside that list may also be permitted, provided it has no significant impact on the character and appearance of the countryside.
18. As the appeal site lies outside the defined boundary of Wilstone, then the third part of Policy CS7 of the CS, which says that small-scale development for housing will be permitted within certain settlements including Wilstone, provided that it is compliant with Policy CS1 and CS2, is not applicable. It is not therefore necessary to consider the implications of Policies CS1 and CS2.
19. Having regard to the definition of previously developed land set out in the Framework, the site is within the residential garden area of no. 7, which contains a number of permanent structures, but the issue hinges on considerations of whether or not it sits in a built up area. I am mindful of the arguments of the parties, and the conclusions of the inspector in the Rossendale appeal decision (ref. 2194105) which has been brought to my attention, and conclude that as a rural site, on the edge of the settlement it could reasonably be considered as not being in a built-up area. I conclude therefore that the site falls within the definition of previously developed land.
20. One of the core planning principles set out in paragraph 17 of the Framework is that planning should encourage the re-use of such land, provided it is not of high environmental value. The appeal site is, however, due to its open and well greened nature, of high environmental value, which therefore outweighs any benefits arising from its re-use.
21. As, therefore, the appeal proposal is for a small scale development of a single, albeit large, dwelling on previously developed land, it would comply with Policy CS7 of the CS, provided that it did not have a significant effect on the character and appearance of the countryside. As I have concluded above, there would be harm to the character and appearance of the countryside, and the proposal would therefore conflict with Policy CS7 of the CS.

Other Matters

22. It is the appellant's contention that the Council is unable to demonstrate an achievable 5 year housing land supply due to under-delivery over a nine year period against the annualised housing target set out in the adopted Core Strategy, and its failure to apply a 20% buffer to the annual supply, as required by paragraph 47 of the Framework. It is claimed that paragraphs 14 and 19 of the Framework therefore apply.
23. I have had regard to the Council's Authority Monitoring Report published in January 2016. The information presented indicates fluctuations in past annual delivery rates, which might reasonably be expected, and these also include over-delivery and very small shortfalls as well as some significant under-delivery, which cannot be described as consistent under-delivery. I have no reason therefore to doubt the Council's figures for projected completions set

out there and in their statement, nor their assessment that only a 5% buffer is required. While fears arising from the recent referendum on leaving the European Union are understandable, this is a recent event, and its likely implications for housing markets cannot yet be known; certainly no conclusive evidence has been presented to me to establish this.

24. I conclude therefore that paragraphs 14 and 49 of the Framework are not invoked. Even were I to conclude that there is a shortfall in five year supply of the scale suggested by the appellant, and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission I have identified above would significantly and demonstrably outweigh the benefits.

Conclusion

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

S J Buckingham

INSPECTOR