
Appeal Decision

Site visit made on 29 March 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 21 April 2017

Appeal Ref: APP/P1940/W/16/3164835
Hollymead, Bucks Hill, Sarratt WD4 9AT

- 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 Ben Sterling against the decision of Three Rivers District Council.
 - The application Ref 16/2066/FUL, dated 2 October 2016, was refused by notice dated 1 December 2016.
 - The development proposed is described as “demolish existing bungalow and replace with 2 x 4-bed detached dormer bungalows”.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ben Sterling against Three Rivers District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt including the consideration of the effect upon openness for the purposes of the Planning Policy Framework (the Framework) and development plan policy;
 - The effect 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, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

4. The appeal site includes a single bungalow in a line of other dwellings, within large plots which run alongside the road known as Bucks Hill. The existing dwelling is set back from the road behind a short front garden and driveway. The land on the opposite side of Bucks Hill consists of undeveloped fields and this is a mainly rural area.
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5. Core Strategy (CS)¹ Policy CP11 and Local Plan (LP)² Policy DM2 follows the wording of the previous advice within Planning Policy Guidance 2 "Green Belts" which has been replaced by the Framework. Although the thrust of the policies is similar, there is some inconsistency between them and the Framework. In these circumstances, paragraph 14 of the Framework requires me to consider whether specific policies in the Framework (including Green Belt policies) indicate that development should be restricted. Accordingly, I have considered the question of whether the appeal proposal is inappropriate development within the Green Belt with regard to policies in the Framework.
6. The Council refers to the site as not being within a settlement. The appeal site can be considered as being outside of any built up area and consequently is previously developed land as defined in annex 2 of the Framework. Paragraph 89 of the Framework allows for limited infilling or the partial or complete redevelopment of such land where it would not have a greater impact on the openness of the Green Belt and the purposes of including land within it.
7. There is some disagreement between the Council and the appellant as to how the effect upon openness should be judged and it is not set out explicitly within the CS, LP or the Framework. The existing footprint of the dwelling according to the appellant is 151m² and according to the Council it is 147m². The footprint of the proposed dwellings together would be 176m² according to the appellant and 292m² according to the Council. The appellant states that the volume of the existing dwelling is 611m³ and that the proposed volume is 809m³, an increase of 198m³. Whether one considers footprint and height or volume, the 2 dwellings as proposed would be significantly larger and bulkier than the existing dwelling.
8. The proposed dwellings have been designed so that space would be created between them and also to the side boundaries with the adjoining dwellings. In these respects there would be increased space at ground level as the existing bungalow covers a wider area within the plot. The proposals would also be dug down lower into the site than the existing dwelling and would be set further back from the road. The 'crown' roofs would keep the roof heights down lower than if the proposed dwellings had ridged roofs.
9. However even with these attributes the proposed dwellings would still be higher than the existing bungalow and also deeper. There would be an overall increase in floorspace and volume of built development on the site. The dwellings together would be bulkier taking up a greater amount of space. Furthermore, the additional intensity of the development by introducing a further unit of living accommodation would also lead to more domestic items within each plot. This could include washing lines, garden furniture, play equipment, external refuse bins and also additional vehicles. These items would also have an impact upon the openness of the area even though their use may in part be transient.
10. The proposal due to the increased amount of development on the site would have a greater impact on the openness of the Green Belt and would not safeguard the countryside from encroachment which is one of the purposes of the Green Belt. The exception within bullet point 6 of paragraph 89 of the

¹ Three Rivers District Council Local Development Framework, Core Strategy, adopted 17 October 2011

² Three Rivers District Council Local Plan, Development Management Policies, Local Development Document, adopted July 2013

Framework would not apply. Furthermore, the loss of openness would undermine an essential characteristic of Green Belts which is its openness and permanence. A comparison of height and bulk with adjoining properties does not affect the change in openness that would be caused by the proposal which relates to a comparison with the appeal site as it is at the moment.

11. The appellant has referred to permitted development extensions that could take place at the property. The extensions do not exist at the moment and do not affect the consideration of the relative impacts on the openness of the Green Belt between the existing dwelling and the proposals. I take into account the possible future extensions below within 'other considerations' because they are a theoretical alternative proposal representing a potential fallback position for the appellant.
12. I therefore consider that the proposal would be inappropriate development which would by definition be harmful to the Green Belt. I attribute substantial weight to this harm as required by paragraph 88 of the Framework. My approach is consistent with that of the Inspectors who considered the other appeals referred to by the appellant³ as well as the judgement of the High Court in *The London Borough of Bromley v Secretary of State for Communities and Local Government and Rookery Estates Company, 2016*.

Character and appearance

13. The nearby dwellings are of a variety of styles and sizes but many have a largely traditional appearance. Grasmere and the other dwellings to the north are of a larger scale than the existing dwelling on the site and its neighbour to the south, Woodcroft. The height of the proposed dwellings would be lower than Grasmere and higher than Woodcroft providing a transition between the 2 contrasting buildings. The proposal would also include gaps between the dwellings and the neighbouring properties reflecting the spacious qualities of the area, preventing a terracing effect.
14. The proposed dwellings would however have truncated 'crown' roofs with large dormers on the front and rear elevations. The bulk of the dormers would dominate both roof slopes. The front elevations and side profiles of the dwellings would be particularly noticeable from the road and neighbouring properties. Although I did see another dwelling nearby with high roof dormers, the flat top to the roofs would be bulkier than the existing low dwelling and would generally be in contrast to the more traditional fully pitched roofs of other dwellings in the area. The retention of trees and inclusion of additional landscaping would not overcome these concerns.
15. The proposals would not respect the local distinctiveness of the streetscape. In relation to this main issue, the proposal would have a harmful impact upon the character and appearance of the area. This would not comply with CS Policies CP1 and CP12 as well as LP Policy DM1 and would constitute a poor design, not complying with paragraph 64 of the Framework.

Other considerations

16. The existing dwelling could theoretically be extended with permitted development rights which have been the subject of submissions to the Council. Taking the appellant's figures for a comparison, the proposals would amount to

³ APP/M3645/A/12/2168774 and APP/N4720/A/2202180

a 90m³ reduction in the volume if the permitted development allowances are taken into account in assessing the volume change. It would seem unlikely to me that in the event that this appeal fails, such extensions would be constructed on a property which the appellant has stated is un-mortgageable due to its poor construction. I recognise that in terms of costs, there may be some compensatory financial reduction in Community Infrastructure Levy payable if the extensions were constructed and then planning permission was granted for a redevelopment of the site. Nevertheless, it seems less than probable that the alternative extensions would be constructed just to be demolished soon afterwards. I give a limited amount of weight to this possible fallback scenario.

17. The proposal would add to the housing supply of the area which would be a positive social factor which I give a limited degree of additional weight.
18. The new dwellings would be built to modern, energy efficient standards which would help to limit the impacts of their use. The external gardens and internal space would provide for comfortable living conditions for the prospective occupants and the proposal would not lead to highway safety or biodiversity concerns. The development would be harmless in relation to these factors which has a neutral effect within the planning balance.
19. Another case has been referred to which the appellant says resulted in a 20% increase in the height of a building. I do not have all of the details of that case and have in any event considered this proposal on its own merits.

Conclusion

20. In conclusion I have identified that the proposal would be inappropriate development in the Green belt as defined by the Framework and this has substantial weight. There would be additional harm due to the impact of the proposal upon the character and appearance of the area to which I give significant weight. Even when taken together the other considerations above including some benefits of the proposals do not clearly outweigh the harm that I have identified. Accordingly, very special circumstances do not exist and the proposal does not comply with the Framework, CS Policy CP11 or LP Policy DM2.
21. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Andy Harwood

INSPECTOR