

Appeal Decision

Site visit made on 12 April 2017

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 25th April 2017

Appeal Ref: APP/C1950/D/17/3169201

17 Carbone Hill, Northaw, Potters Bar EN6 4PJ

- 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 Stuart Pitfield against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2016/2599/HOUSE, dated 6 December 2016, was refused by notice dated 1 February 2017.
 - The development proposed is the erection of an oak framed detached double garage in the front garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. It is considered that the main issues are:
 - (a) Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - (b) The effect of the development on the openness of the Green Belt and the purposes for including land within it;
 - (c) The effect of the development on the visual amenity of the Green Belt and character and appearance of the streetscene; and
 - (d) If the development is inappropriate, 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 the development.

Reasons

Whether the proposal would be inappropriate development for the purposes of the Framework and development plan policy

3. The Council's assessment of the application scheme treated the proposed garage as an extension to the host property. The basis for adopting this approach is Policy RA3 of the Welwyn Hatfield District Plan 2005 (LP) which
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refers to outbuildings for which planning permission is required being assessed as extensions to dwellings. Both LP Policy RA3 and the Framework refer to the alteration or extension of a building as not being inappropriate development in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. What is a disproportionate addition to an original building is not defined in the Framework or the Local Plan.

4. Cumulatively with the existing alterations to the host property, the Council has assessed that the erection of the proposed garage would result in a 120% increase in the floorspace of the original building. This calculation is not challenged by the appellant and there are not reasons for me to disagree with the Council. Accordingly, I share the Council's judgement that, cumulatively with other alterations, the scale of the appeal scheme would result in a disproportionate addition over and above the size of the original building.
5. For the reasons given, it is concluded that the appeal scheme would be inappropriate development in the Green Belt and, as such, it would conflict with the Framework and LP Policy RA3. No specific conflict has been identified with LP Policies GBSP1 and GBSP2 which are concerned with the definition of the Green Belt and development within specified settlements.
6. I have also considered whether the proposed garage being sited such a distance from the host property might not amount to an extension of an original building and this approach reflects the judgement in the case of *Sevenoaks District Council v the Secretary of State for the Environment and Dawe [1997]*. However, the erection of an outbuilding within the curtilage of a domestic property is not referred to in paragraph 89 of the Framework as one of the exceptions for the types of buildings which are considered not to be inappropriate development in the Green Belt. Accordingly, even if the appeal scheme is assessed as a separate building rather than an extension to the host property it would still be inappropriate development.
7. Paragraphs 87 and 88 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that substantial weight should be attached 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, is clearly outweighed by other considerations. The question of any other harm and the other matters in this case are now considered.

The effect of the development on the openness of the Green Belt and the purposes for including land within it

8. Paragraph 79 of the Framework states that one of the essential characteristics of Green Belts is their openness. By reason of siting and size, it is concluded that the proposed garage would have a detrimental effect on the openness of the Green Belt and would conflict with the Framework. However, by reason of the enclosure of the frontage by a wooden fence and the low eaves and ridge heights of the appeal scheme, the degree of harm caused to the Green Belt's openness would only be limited, especially when travelling along the road.
9. The proposed development would be wholly contained within the residential curtilage of the property. For this reason, it is concluded that the proposed

development would not conflict with the purposes of the Green Belt as identified at paragraph 80 of the Framework, in particular safeguarding the countryside from encroachment.

The effect of the development on the visual amenity of the Green Belt and character and appearance of the streetscene

10. The property is located within a linear form of residential development fronting either side of Carbone Hill which is situated within open countryside. The dwellings are large, sited within extensive curtilages and generally have landscaped front gardens. Accordingly, the character and appearance of the area, including the streetscene, is verdant and spacious. However, the established character and appearance of the streetscene is not disrupted by the outbuildings which have been erected within the front gardens of Nos. 13 and 15. These outbuildings are well screened by mature frontage vegetation and are not, therefore, particularly noticeable from the road.
11. The proposed garage would be sited within the front garden of the host property and at least its roof would be visible from the road above the fence. Although there are outbuildings within the front gardens of Nos. 13 and 15, I share the Council's assessment that the appeal scheme would be an uncharacteristic form of development which would not be compatible with the generally verdant and spacious character and appearance of the streetscene.
12. The wooden boundary fence would provide some screening of the proposed garage with predominantly only its roof being visible. Further, the design and choice of external materials for the appeal scheme would be appropriate within the context of the adjacent residential development. However, the projection of the proposed garage above the fence would still accentuate the harsh appearance of the fence within the streetscene. Although the recent planting could mature to provide a more effective visual screen this would take some years to achieve. Such planting should not be used to hide what might otherwise be an unacceptable proposal which is at odds with the general pattern of development.
13. Accordingly, and principally by reason of siting, it is concluded that the proposed development would cause unacceptable harm to the visual amenity of the Green Belt and the character and appearance of the streetscene and, as such, there would be a conflict with LP Policy D2 concerning development respecting and relating to the character and context of the area. However, because of its siting within an area of linear residential development the degree of harm caused to the Green Belt's visual amenity would only be limited in its extent.

If the development is inappropriate, 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 the development

14. The appeal scheme has been judged not to cause harm to the purposes of the Green Belt. However, this matter merely results in there being no additional harm to that arising from the inappropriate development and the weight attached to it needs to be tempered accordingly. Therefore, moderate weight has been attached to this matter.

15. I share the appellant's assessment that the design and choice of external materials for the appeal scheme would be appropriate within the context of the adjacent residential development and its size would be subservient to the host property. Moderate weight is attached to these specific design matters.
16. The appellant's intended use of the integral garage as habitable accommodation has been noted (Ref 6/2017/0188/LAWP). However, this decision is one which the appellant has made and does not justify, on its own, a reason why a replacement garage is needed. Other than seeking to provide cover for the vehicles, the essential need for the proposed garage has not been fully explained by the appellant. The appellant's reference to LP Policy RA2 has been carefully considered but this policy refers to the specific needs of the named settlements rather than those of individuals. Limited weight has been given to these matters in the determination of this appeal.
17. Reference has been made to the outbuildings within the front gardens of Nos. 13 and 15. However, the Council has identified that planning permission was not granted for the garage at No. 15 and the planning permission at No. 13 pre-dates the policies of the current Local Plan. Further, these outbuildings are the exception rather than the norm, they are well-screened and they are not visually intrusive within the streetscene. Limited weight has been given to these outbuildings in the determination of this appeal.
18. The Planning Officer's report identifies a dismissed appeal at No. 19 for the erection of an outbuilding. No details have been provided from me to assess whether this other proposal has any specific implications for the assessment of this appeal scheme.
19. The issue of an unwelcome precedent has been raised by the Council if the proposed development was erected. However, the appeal scheme has been assessed on its own planning circumstances and an unwelcome precedent would not be established if this appeal succeeded.

Conclusion

20. These other considerations, even when taken together, do not clearly outweigh the harm by reason of inappropriateness, the limited harm to the openness of the Green Belt, the limited harm to the visual amenity of the Green Belt, the unacceptable harm to the character and appearance of the streetscene and the conflict with national and local policy. Accordingly, it is concluded that the very special circumstances required to justify the development do not exist and, taking into account all other matters, this appeal is dismissed.

D J Barnes

INSPECTOR