
Appeal Decision

Site visit made on 4 April 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 27 April 2017

Appeal Ref: APP/B1930/D/17/3166984

124 Lower Luton Road, Wheathampstead AL4 8HH

- 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 & Mrs B de Hoedt against the decision of St Albans City & District Council.
 - The application Ref 5/16/2933, dated 28 September 2016, was refused by notice dated 24 November 2016.
 - The development proposed is erection of a pre-fabricated timber granny annexe for ancillary residential use.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - (ii) The effect of the development on the openness of the Green Belt;
 - (iii) The effect of the development on the character and appearance of the area; and
 - (iv) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

3. The appeal site forms part of the garden area at the rear of a two storey semi-detached dwelling set in an open Green Belt location between the built up areas of Harpenden to the west and Wheathampstead to the east. The proposal would involve the construction of a new pre-fabricated timber granny annexe comprising of a lounge, kitchen, bedroom, WC and study at the end of the rear garden. The proposed timber clad building would measure about 9m (width) by 7m (length) with a pitched tiled roof with a maximum eaves height of about 3m and maximum ridge height of about 4m.
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Whether inappropriate development in the Green Belt

4. Policy 1 of the St Albans District Local Plan Review 1994 (LP) states that permission will not be given for development for purposes other than those which it lists unless very special circumstances exist. It does not refer specifically to garden outbuildings or granny annexes.
5. Policy 13 of the LP relates to the extension or replacement of dwellings in the Green Belt. It advises that extensions to houses in the Green Belt, including garages or outbuildings, may be permitted unless the scale or visual impact upon the building as originally constructed would create a building of significantly larger or different character.
6. The Council's Residential Extensions and Replacement dwellings in the Green Belt Supplementary Planning Guidance 2004 (SPG) provides supplementary information to assess whether or not an outbuilding is acceptable in the context of Policy 13 of the LP. The SPG outlines that garages and outbuildings within 5m of the original dwelling would be classed as an extension. The Council advises that the proposed granny annexe would be approximately 26 metres from the rear of the original dwelling and would represent a distinctly separate structure. I agree with that assessment.
7. Paragraph 89 of the National Planning Policy Framework (the Framework) establishes that new buildings within the Green Belt are inappropriate development unless the development falls within a list of stated exceptions. Although the extension or alteration of a building is listed, new separate buildings within the curtilage of a dwelling are not. Given the proposed distance from the dwelling, I am satisfied that this proposal cannot be considered as an extension to the main house. With regard to the Framework, this proposal represents inappropriate development in the Green Belt.
8. Paragraph 215 of the Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The closer the policies are to those of the Framework, the greater the weight that may be given to them. Policy 1 of the LP is consistent with the Framework in that it does not include new garden buildings although it has a number of other inconsistencies with the Framework.
9. Policy 13 of the LP relates only to extensions. If it were interpreted so as to accept this addition as an extension, when it is clearly a distinct and separate building, then the detail of the policy would conflict with the Framework and as such, it could be afforded little weight. A more reasonable interpretation of the policy would follow the content of the SPG, with only buildings situated within five metres of the dwelling being considered as extensions. A new distinct building such as this would not therefore fall under Policy 13.
10. Consequently, the proposal would constitute inappropriate development in the Green Belt that is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. It conflicts with the aims of the Framework and Policy 1 of the LP. In accordance with the Framework, I attach substantial weight to the harm arising due to the inappropriate nature of the development in this location.

Openness of the Green Belt

11. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The Framework advises at Paragraph 79 that openness and their permanence are essential characteristics of Green Belts. Openness is generally defined by an absence of built form and not necessarily to visibility.
12. As the proposal would represent a new additional building, it would increase the built form of development in the Green Belt. The scale of the proposed annexe would compromise the sense of openness in the area and the intensification of development would fail to keep the land permanently open. Consequently, I conclude that the development would result in harm to the openness of the Green Belt and as such would conflict with the aims of the Framework which seek to preserve the openness of the Green Belt. I give substantial weight to that harm.

Character and appearance of the area

13. The appeal site forms part of a row of dwellings that front onto the northern side of the busy main Lower Luton Road, typically characterised by detached and semi-detached properties set in spacious plots with open fields to the rear. To the east and west are the garden areas and the outbuildings associated with the adjacent properties. Where outbuildings and other structures exist behind the residential properties, these are very low, small in scale, clearly subsidiary and have little impact upon the sense of space and openness in the area. This gives the area a strong unifying character and appearance, which is further enhanced by the presence of mature landscaping and established trees within the surrounding gardens and countryside at the rear of the site that adds to the open character and appearance of the area.
14. The proposed development would be situated in the characteristic open gap between the properties and the open Green Belt land. Such positioning would compromise the sense of space and openness in the area. These shortcomings would be exacerbated by the proposal's position, which would be visible from a number of the surrounding properties. The proposed annexe would not amount to a subservient form of development in this backland location and would fail to promote or reinforce the distinctive characteristic of the area. As such, I consider the development, by virtue of its scale, height and siting would result in an incongruous and out-of-keeping addition that would adversely harm the character and appearance of the area.
15. Consequently, I conclude that the proposal would have a harmful effect on the character and appearance of the area. The development would conflict with Policies 69 and 70 of the LP which I consider relevant in this case. These policies, amongst other things, seek to ensure that all development will be of a high standard of design to reflect local distinctiveness and that the proposal respects the character, visual quality and landscape of the surrounding area. The proposal would not accord with the Framework that development should seek to secure a high quality of design (paragraph 17); to respect the local character (paragraph 58); and to promote or reinforce local distinctiveness (paragraph 60).

Other considerations

16. I have considered the appellants comments that the scale and appearance of the building would be in keeping with the main dwelling and other buildings in the area. Whilst the use of matching materials, fenestrations and high construction specifications would assist in integrating the proposal with the existing dwelling and the area, these aspects do not overcome the adverse effects outlined above.
17. The appellants also point out that an outbuilding with a larger footprint and reduced height could be erected on the site under General Permitted Development¹. However, in the absence of any detailed information to inform me about the location and design of this outbuilding and the reasonable likelihood that the appellants would pursue this option if the appeal is dismissed, I can only judge this case based on the evidence provided. I therefore accord these matters limited weight.
18. Policy 12 of the LP states that separate dwellings for relatives, dependents or staff will not normally be permitted in the Green Belt and extensions to existing dwellings will be considered under Policy 13 of the LP. I note the Council's comments regarding these policies and the type of facilities provided and the future potential use of the proposal as a self-contained unit. However, based on the evidence before me, I cannot see that the intended use of the building would be anything other than ancillary to the main house and that the future use of the building could be controlled by an appropriate planning condition.
19. I have considered the appellants comments regarding the reasons why the granny annexe is being sought, the family's personal circumstances and the benefits arising from the proposed additional accommodation. I have considerable sympathy for the appellants circumstances. However, the courts have generally taken the view that planning is concerned with land use in the public interest. Although personal circumstances can sometimes justify a personal or temporary permission, that would not be appropriate here where a permanent structure is intended and as such are matters to which I can attach only limited weight in making this decision.
20. I note the appeal decisions and other developments in the area advanced by the appellants in support of the appeal scheme. However, the appeal decisions relate to developments in non-Green Belt locations that have different locational characteristics and the garages/outbuildings at Nos. 104, 110 and 116 Lower Luton Road have different development characteristics to the appeal proposal. On the basis of the limited evidence provided I am not convinced that their circumstances are compellingly similar to the appeal proposal. I therefore accord them limited weight as precedents in this case.
21. The appellants consider that the proposal would constitute a sustainable form of development. Sustainable development is identified as having social, economic and environmental roles in the Framework. The appellants outline that the proposal would provide some social and economic benefits through the provision of an affordable accommodation that would allow the appellants to maintain a degree of independence whilst being close to provide support

¹ Specially the right to build outbuildings within the curtilage of a dwellinghouse granted by Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order

for their family. However, whilst I note the appellants view on the environmental benefits of the proposed sustainable design, use of materials and the location within the residential curtilage, I find that the appeal scheme would harm the openness of the Green Belt and the character and appearance of the area. This harm would conflict with the environmental dimension of sustainable development and, in my view, would be sufficient to outweigh the scheme's benefits. The proposal would not therefore amount to sustainable development in the terms of the Framework.

Very Special Circumstances

22. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also concluded that the proposal would harm the openness of the Green Belt. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt. I consider the proposal would be harmful to the character and appearance of the area to which I attach significant weight.
23. Having considered all of the matters raised in support of the development, I conclude that collectively, they do not outweigh the totality of the harm I have identified in relation to the Green Belt. Accordingly, very special circumstances do not exist and the development would be contrary to Policy 1 of the LP and the Framework.

Other matters

24. I have noted the support from a local resident subject to no removal or pruning of the existing boundary hedges. This could be satisfactorily controlled through an appropriate planning condition and as such is a matter to which I can attach only limited weight.
25. I have noted the objections raised by a local resident and Wheathampstead Parish Council to the proposal. However, in light of my findings on the main issues of the appeal, my decision does not turn on these matters.

Conclusion

26. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR