

Appeal Decision

Site visit made on 18 April 2017

by J Bell-Williamson MA MRTPI

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

Decision date: 2 May 2017

Appeal Ref: APP/W1905/D/17/3169903

Pemberly Ash, White Stubbs Lane, Broxbourne EN10 7PZ

- 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 A & J Collins against the decision of Broxbourne Borough Council.
 - The application Ref 07/16/1385/HF, dated 19 December 2016, was refused by notice dated 6 February 2017.
 - The development proposed is roof conversion.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal submissions include some discussion about the existing internal layout of the appeal building. The Council indicates that while this differs from the layout shown on the submitted plans, the actual layout and use has been accepted following determination of a Certificate of Lawfulness application. While I note this, it does not have a direct bearing on the determination of the appeal, which concerns the effects of the proposed external alterations to the building. The Council also indicates that a previous application for similar development was refused (reference 7/16/543/HF). While I note this, I am unaware of all the details and, in any case, this appeal involves a separate development proposal which I have considered on its own merits.

Main Issue

3. The proposal involves alterations in the form of an increase in height to the appeal building and a new roof. The building is situated within the Green Belt. The National Planning Policy Framework (the Framework) makes clear at paragraph 89 that the construction of new buildings in the Green Belt should be regarded as inappropriate, with a small number of exceptions. One of these is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
 4. Neither party, however, provides specific details of the size of the original building and the Council's reason for refusal with regard to the Green Belt concerns the effect of the proposal on openness only. Consequently, for this reason and based on the other matter referred to in the Council's decision
-

notice, the main issue is the effect of the proposal on the openness of the Green Belt and the character and appearance of the area.

Reasons

5. The appeal site is located off White Stubbs Lane, a long semi-rural road with buildings in various uses interspersed along its length. Pemberley Ash is situated behind buildings on the road frontage. It comprises a converted residential dwelling parallel to the road and the appeal building, which is a single storey outbuilding perpendicular to the main dwelling and parallel to the access road, which serves Pemberley Ash and other properties.
6. The Framework states that the essential characteristics of Green Belts are their openness and their permanence (paragraph 79). Policy GBC2 of the Council's Local Plan Second Review 2001-2011 (the Local Plan) includes exemptions to the general presumption against development in the Green Belt, including limited extensions or alterations to dwellings, subject to the requirements of Policy GBC11. This policy refers to changes to dwellings and free-standing buildings in the residential curtilage, as is the case here. With regard to the main issue in this case, the third criterion says that the Council will pay due regard to the effect of the proposed extension and/or alterations on the openness and appearance of the Green Belt. Despite the fact that these local policies pre-date the Framework, they are broadly consistent with it and, therefore, I have given them weight in determining the appeal.
7. The existing single storey building has a low pitched roof with shallow hips to either end. The proposal involves heightening the walls and roof to add just over a metre and a half in height. This includes a less shallow form of pitched roof with gable ends to facilitate accommodation within the internal space created by this alteration. The building is relatively large for an ancillary outbuilding and consequently the alterations represent a material change due to the additional height and bulk of the amended roof form combined across the full extent of the building. As such, the proposal involves substantive additional development in a position where previously none existed. Consequently, there is a reduction to the openness of the Green Belt in this location and some weight must be attached to this harm.
8. In terms of the proposal's visual effects, Pemberley Ash is set within a wider area that comprises buildings of different designs and size. A number of these, however, are well-separated from the appeal site. Consequently, the appeal building's most direct visual relationship is with the small group of buildings that are its immediate neighbours. These include properties that are predominantly low-rise dwellings and include the host dwelling itself and the property immediately in front, known as 'Fairwind Cottage'.
9. The increased height and bulk of the extended outbuilding would change its currently harmonious relationship within this group, giving it an uncharacteristically bulkier and taller appearance. This would be accentuated by its position to the north of this group on ground that rises away from White Stubbs Lane. The harmful effects of this physical change would not be mitigated by matching materials or by use of slate roof tiles. I accept that the building is not highly visible from the main road frontage. It is, however, readily seen from the access road that runs alongside it, despite some

landscaping adjacent to the building, and from properties and land to the north from where these harmful effects would be apparent. While the line of trees next to the access road currently provides a visual screen to views from the east, the permanence of this cannot be guaranteed in the long term. For these reasons, the extended built form would adversely affect both the openness of the Green Belt in this location and the character and appearance of the area.

10. Therefore, taking these matters as whole, I conclude that the appeal proposal would have an unacceptably harmful effect on the openness of the Green Belt and the character and appearance of the area. As such, it is contrary to the provisions of the Framework and to the Local Plan policies referred to above. It is also contrary to Policy H6 of the Local Plan, as it relates to the requirement for extensions to be compatible with the host building and wider setting. The Council also refers to policies from the emerging draft Local Plan 2016-2031. However, I am not aware of the progress of this plan and status of these policies. As a result, I cannot afford them weight in accordance with paragraph 216 of the Framework for the purposes of determining this appeal.

Other Matters

11. I have had regard to a number of other matters raised by interested parties. While the proposed alterations include new windows at upper floor level, the degree of separation from other properties means there will be no harmful effects from overlooking. I have no substantive evidence to conclude that the proposed changes would result in harmful additional parking, or problems associated with water, electricity, gas supply, refuse collection or any adverse effect on the fabric of neighbouring buildings. Any concerns about existing issues associated with these matters are outside the scope of this appeal.
12. Concerns about levels of current or future occupation cannot have a direct influence on the outcome of the appeal. The same principle applies to concerns raised about potential noise or disturbance related to assumed levels of occupation or behaviour associated with use of the extended building. Any concerns about the completion of building works and associated noise at the property are not a matter for this appeal. Therefore, while I have had regard to all these matters, for the reasons given, they carry little weight in respect of the current appeal.

Conclusion

13. For the reasons given, I conclude that that the appeal should not succeed.

J Bell-Williamson

INSPECTOR