The Planning Inspectorate

Appeal Decision

Site visit made on 10 July 2019

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2019

Appeal Ref: APP/P1940/D/19/3227848
Coniston, White Shack Lane, Chandlers Cross, WD3 4ND

- 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 Mark Flesch against the decision of Three Rivers District Council.
- The application Ref 19/0177/RSP, dated 27 January 2019, was refused by notice dated 21 March 2019.
- The development proposed is an annex building in garden to rear of main house, for provision of care for family member with challenging medical condition.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant states that the application the subject of this appeal sought part-retrospective planning permission for the construction of a two storey outbuilding to be used as an annex. The proposal the subject of this appeal appears largely constructed and I refer to it below as the development.

3. The application the subject of this appeal was made further to the opening of an enforcement inquiry case[1].

Main Issues

4. The appeal site is within the Green Belt and the main issues are:

   - whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (Section 13: Protecting Green Belt land) and development plan policy;

   - the effect of the proposal on the openness of the Green Belt and on the character and appearance of the area;

   - 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.

[1] Reference: 18/0129/COMP.

Reasons

5. The appeal property, Coniston, is a chalet style bungalow located along White Shack Lane, a private lane accessed from Chandler's Lane. The appeal property has a parking area to the front and a long garden to the rear. It is located in the Green Belt.

6. There are a number of detached dwellings in the wider vicinity and the site and area around it are green and spacious. The presence of mature trees along White Shack Lane and in gardens adds to the notable greenery of the area.

7. To the rear of Coniston, some distance from the dwelling, are two large outbuildings. One of these is two stories tall and this comprises the development the subject of this appeal. It is located adjacent to Coniston's boundary with a dwelling referred to in the plans submitted as Yasme, a detached dwelling with a long garden to the rear. The development is visible from Yasme's rear garden.

8. The development replaced a fire-damaged garage. Whilst constructed on the same footprint, the replacement building is very different in appearance to the building it replaced. The garage, whilst large and tall, was simple and utilitarian in appearance, with a pitched roof, reflective of its ancillary function. During my site visit, I observed other outbuildings, ancillary in appearance, in the wider area and given this, it seems to me that the garage may not have appeared out of keeping with the wider area.

9. By way of contrast, the development, with its bulky crown roof and glazed features, including French windows and a juliette balcony at first floor height, has a domestic appearance, such that it appears as a dwelling.

10. Paragraph 145 of the National Planning Policy Framework (the Framework) requires the construction of new buildings in the Green Belt to be considered as inappropriate, with a number of exceptions, one of which is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

11. In addition, the Council's Development Management Policies LDD (2013) Policy DM2 requires ancillary buildings in the Green Belt to be clearly subordinate to the dwelling and of a height and bulk such that the openness of the Green Belt is not adversely affected and to avoid features normally associated with the use of a building as a dwelling.

12. The development, with its large and bulky roof, is materially larger than the building it replaced. In addition, its residential appearance results in a development that fails to meet the requirements of Policy DM2. Further, to some considerable degree, the development has the outward appearance of a dwelling in its own right. As such, it does not appear clearly subordinate to the host property.

13. Taking this into account, I find that the proposal would comprise inappropriate development in the Green Belt. Paragraph 143 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness and character and appearance

14. Openness is an essential characteristic of the Green Belt. The proposed development comprises an outbuilding with additional bulk and volume in comparison to the building it replaced and as such, it inevitably reduces the openness of the Green Belt.

15. Further, I find that the design of the outbuilding, with its bulky roof and its domestic features, results in a development that draws attention to its appearance to the extent that it fails to comply with Policy DM2's requirement for development to be of a height and bulk such that the building would not adversely affect the openness of the Green Belt.

16. The two storey height of the building, with its large crown roof with a very steep angled pitch, its brick and slate materials and the presence of large glazed windows and doors, appears prominently in its garden surroundings as a domestic building with an awkward, bulky appearance. This detracts from the green and spacious attributes of the area, to the harm of local character.

Other considerations

17. In support of his case, the appellant draws attention to the purpose of the development, which is to provide 24/7 care for his mother. However, whilst the provision of care is an extremely important matter, it is not clear to me that the two storey development comprises the only way in which care can reasonably be provided. The Council suggests a number of different ways in which care might be provided in a manner that may have a lesser impact on the Green Belt and the appellant states that he could erect further outbuildings under permitted development.

18. Whilst I note that the appellant considers the development to comprise the ideal arrangement and that he considers alternative options to be less favourable, the development is harmful to the Green Belt.

Conclusion

19. The proposal would comprise inappropriate development, which is, by definition, harmful to the Green Belt. There would be harm to local character and I afford some weight to this. There would also be harm to openness and this is a factor to which I afford considerable weight.

20. The development would provide a care facility and accommodation for a carer and this is a factor in its favour. However, it is not something that amounts to very special circumstances that clearly outweigh the totality of the harm arising.

21. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR