
Appeal Decision

Site visit made on 6 June 2019

by I Bowen BA(Hons) BTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Appeal Ref: APP/A1910//W/18/3217625
Oldoak, London Road, Bourne End HP1 2RJ

- 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 Tim Barton against the decision of Dacorum Borough Council.
 - The application Ref 4/00757/18/FUL, dated 20 March 2018, was refused by notice dated 23 November 2018.
 - The development proposed is demolition of existing dwelling and construction of two new detached houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It appears from the appeal documentation that several versions of the scheme were discussed with the Council during the course of the planning application. However, following my request for clarification, both main parties confirmed the plans¹ which were the subject of the Council's formal decision. Whilst the appellant requested the consideration of alternative plans in the appeal, I am mindful of the Planning Inspectorate's guidance² which advises that the appeal process should not be used to evolve a scheme. In this regard, it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which interested people's views were sought.
3. The alternative plans differ materially in terms of their design and appearance from those upon which the decision was made, and the changes would not therefore be minor. Moreover, I cannot be certain that any third parties would not be prejudiced if I were to consider the appeal on the basis of the revised plans. I have therefore determined the appeal having regard solely to the plans submitted to, and considered by, the Council.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to relevant development plan policies and the National Planning Policy Framework (the Framework);

¹ BP01(C), SP01, LO1, PA01 Rev C, PA02 Rev D.

² 'Procedural Guide – Planning Appeals – England'

- The effect on the character and appearance of the area, including whether the proposal would sustain and enhance the character or appearance of the Winkwell Conservation Area (WCA), the setting of the Grade II listed The Old Cottage and any non-designated heritage assets;
- The effect on living conditions of the occupiers of neighbouring dwellings Collingwood and Ashdown having regard to outlook;
- The effect on highway and pedestrian safety; and
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development in the Green Belt

1. The appeal proposal seeks to demolish an existing single storey bungalow and erect two detached two-storey dwellings within the Green Belt.
2. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. As such, it indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
3. The Framework makes clear that the construction of new buildings in the Green Belt should be regarded as inappropriate, save for a limited list of specific exceptions. Two such exceptions, set out in paragraph 145a) and g), are respectively the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and the partial or complete redevelopment of previously developed land (PDL) which would not have a greater impact on the openness of the Green Belt than the existing development.
4. Policy CS5 of the adopted Dacorum Core Strategy 2006 – 2031 (2013) (the DCS) specifically defers to the national planning policies and is broadly consistent with the Framework.
5. I therefore consider these two possible two exceptions in turn below:

Replacement buildings

6. In re-developing the existing building for two dwellings, no change of use would take place as a result of the scheme and the proposal would therefore satisfy the first part of the paragraph 145 d).
7. In terms of the increase in the size of the building, no local guidance as to what might be acceptable has been brought to my attention. Furthermore, irrespective of the dimensions of the dwelling as originally built in 1957³, which is not a consideration set out in DCS Policy CS5 or the Framework, the existing dwelling already spans practically the full width of the plot.
8. Nevertheless, the buildings would encroach somewhat further into the rear garden than the existing dwelling and would also be two-storey. They would therefore comprise significantly more built development in terms of volume and

³ According to the Council's evidence.

floorspace. In my judgement, therefore, the amount of built development on the site would be materially larger and consequently, the proposal does not qualify as an exception set out in bullet point d) of paragraph 145.

Partial or complete redevelopment of PDL

9. I see no reason to disagree with the Council's view that the site is PDL having regard to the definition of such land set out in the Glossary to the Framework.
10. It is therefore necessary for me to consider whether the proposal would have a greater impact on the openness of the Green Belt than the existing development. In this context, "openness" refers to the absence of development and this can have both a spatial and a visual dimension. Moreover, openness can relate to the way land is used.
11. As regards the latter consideration, the development would result in provision of a net additional dwelling. Given the site's location amongst other dwellings on London Road, I consider that any additional residential activity with attendant paraphernalia such as increased car parking and movements, would not be so significant as to be harmful to the openness of the Green Belt.
12. However, as noted above, the buildings would occupy an increased volume relative to the existing dwelling both in terms of overall footprint and height. In this regard, the appellant estimates the scheme would lead to an increase in built footprint of 15% relative to the existing building.
13. Furthermore, as taller buildings they would appear more visually prominent and this would not be significantly offset by the proposed narrow gap between the dwellings. Consequently, the development would have a greater impact on the openness of the Green Belt and the proposal therefore also fails to qualify as an exception under bullet point g) of paragraph 145 of the Framework.
14. In conclusion on this main issue, therefore, and taking all factors into consideration, I find that the proposal would be inappropriate development in the Green Belt and would therefore conflict with DCS Policy CS5 and the Framework.

Character and appearance

General character and appearance

15. London road is built-up on its northern side and the land slopes quite sharply to the north towards a river and canal beyond the dwellings. As a result, the houses are set down at a considerably lower level than the road and mature tree planting and other landscaping forms a strong sylvan backdrop which is readily perceptible above the rooftops.
16. The dwellings are set in generous plots and display a wide variation in their style and design. Nevertheless, there is a strong consistency in that all the dwellings in this stretch of the road are large, single storey dwellings which tend to occupy a large proportion of the width of their respective plots. They are also set back a considerable distance from the road behind a mixture of boundary walls and landscaping, with a broadly consistent building line.
17. Given the topography, the dwellings do not appear as dominant features in the street scene. In subdividing the existing plot, however, the scheme would result in two dwellings occupying notably narrower plots than those of other

dwelling which characterise the area and would be sited very close together. In this context, the dwellings would appear cramped within their respective plots. Whilst the appellant suggests that the plots would be equivalent to that of Willow Cottage further along London Road to the west of the appeal site, no substantive evidence has been provided in this regard.

18. Moreover, the dwellings would be two-storey, with increased eaves and ridge heights and overall bulk compared to the existing dwelling and those in the surrounding area. They would also have pitched roofs, chimney stacks and matching front-facing gables. As such they would, overall, be strikingly at odds with the pattern of development in the area. Consequently, the proposed development would be discordant in the street scene and harmful to the character and appearance of the area.

Designated and non-designated heritage assets

19. The lower portion of the existing garden lies within the designated Winkwell Conservation Area (WCA) although the building, and those proposed, lie outside of it. The WCA reflects the historical significance of the Grand Union Canal and its setting including the River Bulbourne and adjoining land.
20. The proposed development would extend the built footprint somewhat further into the garden towards the WCA boundary. However, the informal domestic edge backing onto the WCA would remain essentially unchanged and I have seen no evidence that would indicate that the proposed development would be harmful to the significance of the WCA. I therefore find that the proposal would not fail to sustain and enhance the character or appearance of this designated heritage asset.
21. Similarly, the Council refers to The Old Cottage, a listed building lying further to the east on London Road, although no evidence has been provided which would indicate that the proposed development would be harmful to its setting.
22. Whilst it appears that the appeal site once formed part of the grounds of The Old Cottage, the properties are not, in my judgement, closely affiliated in visual terms and are not viewed in the same context in the street scene. Furthermore, given the site is already developed, any historic associations would not be harmed by the development. I therefore find the proposal would not be harmful to the setting of this listed building.
23. I am mindful of my statutory duties in relation to preserving or enhancing the character or appearance of the WCA and the desirability of preserving the setting of listed buildings. Given the above, and having regard to the submitted evidence and my own observations, I find that no harm would result on any designated heritage assets.
24. The creation of a new access and driveway would require the removal of a section of the boundary wall to the front of the property to enable the creation of an additional driveway. The wall is a consistent feature running along the front of properties on London Road although I saw that it changes in appearance to a more modern brick construction beyond Ashdown to the west of the appeal site. The section that would be removed appears to have more affinity with the more longstanding structure which also forms an enclosure to Collingwood and The Old Cottage to the east. In this regard, the Council

suggests that it is a 19th Century wall, most likely associated with The Old Cottage and should be regarded as a non-designated heritage asset.

25. No substantive evidence has been submitted to indicate the structure has hitherto been recognised as such. Nevertheless, the evidence shows it has some historic value. To my mind, the continuity and historic character of the wall is a strong feature in the street scene and it makes a positive contribution to the overall character and appearance of the area.
26. Whilst the appellant submits the wall is in need of repair, the removal of a section, together with an increased area of driveway/hardstanding, would nonetheless have a limited but negative effect on this non-designated heritage asset. This would add to the harm to the character and appearance of the area I have already found.
27. Drawing this main issue together, the proposed development would not give rise to harm to any designated heritage assets. However, for the reasons set out above, it would be harmful to the general character and appearance of the area including causing limited harm to a non-designated heritage asset.
28. As such it would conflict, or not accord, with DCS Policies CS5, CS12 and CS27. That is because those Policies only permit development in the Green Belt where there would be no significant impact on the character and appearance of the countryside, where development would integrate into the streetscape and respect the character of adjoining properties and where the integrity, setting and distinctiveness of undesignated heritage assets are protected, conserved and if appropriate enhanced.

Living conditions

29. The refusal notice reflects the Council's concerns that as the dwellings would project beyond the existing rear elevations of the neighbouring properties at Collingwood and Ashdown, they would be intrusive and dominating.
30. However, the positioning of the proposed dwellings is such that only oblique views of the rear parts of the dwellings would be apparent when viewed from inside the neighbouring properties which enjoy sweeping northwards views over generous gardens. As such, the additional bulk, mass and length of the proposed buildings would not be intrusive or lead to any unacceptable loss of outlook from the perspective of neighbouring properties' houses or gardens.
31. I therefore conclude in this respect that the proposal would accord with DCS Policy CS12 which requires developments, amongst other matters, to avoid visual intrusion to surrounding properties. The Council also cited Appendix 3 of the Saved Dacorum Borough Local Plan 1991 – 2011 (2004). However, my attention has not been drawn to any particular part of that document which would be relevant to the effects of the design of a proposal on neighbouring occupiers. It has not therefore been determinative to my decision.

Highway and pedestrian safety

32. London Road is described by the Highway Authority as a main distributor principal A road and is subject to a 30mph speed limit. In common with other properties on the street, there is an existing cross-over and dropped kerb which provides access to the appeal property and the adjoining Collingwood.

33. Whilst I have not been provided with copies, the Council indicates that the Hertfordshire Local Transport Plan 3: Volume 2 (LTP3) (2011) and the 'Roads in Hertfordshire: Highway Design Guide' set out that new accesses directly onto primary distributor roads are not normally permitted. It is further advised that special circumstances will need to be shown to justify new accesses to such routes. However, no explanation is provided as to the reasons why such an approach should be taken.
34. Furthermore, no evidence has been provided to indicate the likely nature of the harm in terms of highway matters in this particular case. In this regard, I note the Council's refusal notice refers to highway and pedestrian safety whilst the Highway Authority representation appeared to allude to the operation of the highway network.
35. On my site visit I observed that, whilst not representative of all times of day, the road was fairly busy but traffic did not appear to be travelling at excessive speeds in this 30mph zone. I also saw that this part of London Road is flanked by fairly wide grass verges between the carriageway and the property boundaries.
36. Given the road conditions and good visibility for traffic and pedestrians in the vicinity of the appeal property, I see no reason to doubt that an additional access could be accommodated without unacceptable risk to pedestrians and vehicles, or adversely affect the operation of the highway network. Consequently, I find that the proposed development would accord with DCS Policies CS8 and CS12 which seek to give priority to the needs of pedestrians over the private car and require the provision of safe and satisfactory means of access for all users.

Other considerations

37. The appellant has expressed a preference for alternative plans to have been considered by the Council which, it is submitted, would have overcome the planning objections. However as explained above, I must determine the appeal on the basis of the plans before me and on the individual merits of the proposed development and I have done so. Any alternative proposals are therefore a matter for the two main parties to consider if necessary and have not had a bearing on this appeal decision.
38. The appellant has also alluded to other planning permissions, apparently relating to neighbouring properties where it is suggested similar proposals have been permitted. However, no further information has been provided in this respect which limits the weight I attach to that consideration in favour of the scheme.

Conclusions

39. The proposal would be inappropriate development in the Green Belt. The Framework makes clear that substantial weight should be given to any harm to the Green Belt. In addition, the scheme would be harmful to the character and appearance of the area. Whilst I have found no harm would arise in relation to the living conditions of occupiers of neighbouring dwellings or in respect of highways matters, those are neutral considerations.

40. Consequently, I find that the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. Accordingly, the appeal should be dismissed.

Ian Bowen

INSPECTOR