
Appeal Decision

Site visit made on 5 August 2019

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2019

Appeal Ref: APP/P1940/D/19/3233619

Midfield House, Nottingham Road, Heronsgate WD3 5DP

- 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 and Mrs Adam Walker against the decision of Three Rivers District Council.
 - The application Ref 19/0347/FUL, dated 20 February 2019, was refused by notice dated 30 April 2019.
 - The development proposed is erection of garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect on the character and appearance of the Heronsgate Conservation Area.
 - Whether the proposal would be inappropriate development within the Green Belt.

Reasons

Heronsgate Conservation Area

3. Paragraph 193 of the National Planning Policy Framework ('the Framework') makes it clear that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
4. The Heronsgate Conservation Area ('HCA') is made up of large individual houses, high quality landscaping and a rural setting with prominent hedgerows and trees. Its origins are a Chartist settlement dating back to 1847 and one that was originally divided into small holdings, with the intention for families to live self-sufficiently. Specific to the appeal site and its surroundings, the HCA appraisal¹ refers to the appeal property as to 'not intrude' on the character of the area and my observations were that this was predominantly due to its siting along the boundary with Beaumont House, leaving space to one side and

¹ Heronsgate Conservation Area Appraisal April 2012.

its relatively low height. Further, the lack of development along the western boundary allows for views of mature trees between the properties that in combination with other irregular gaps between the properties positively contributes to the significance of the HCA in terms of its origins, ideology, growth, character and appearance.

5. The proposed garage would be located to the west of the site, 2m from the dwellinghouse and 3.5m from the western side boundary. The garage would measure 7.25m in width by 6m in depth and would have a two tier mono-pitched timber roof form with covered traditional slate at a maximum height of 3.9m. The encroachment of development across the site and the width and scale of the proposal would substantially reduce this gap and harmfully erode the sense of openness and spaciousness that it currently provides. Although I accept built form does exist to the side of properties in the area, the intrusion of further and such substantial built form on a site which is already uncharacteristically smaller than others due to subdivision, would detract from the spatial quality of the HCA and further undermine its historic concept and layout.
6. Views would be limited but the requirement for development proposals to preserve or enhance the character or appearance of the HCA applies with equal force whether or not the proposal is prominent or in public view. Whilst an attempt has been made to reduce the effects, the garage would add another substantial and different form and roof of building, that would sit in evident contrast to that of the main building. Seen behind part of the former garage to the property from the lane it would add to an over accumulation of different roof forms spread across the middle of the site. In my view, this would cause harm to the appearance of the appeal site and streetscene and would not be an enhancement.
7. For these reasons, the proposal would fail to preserve or enhance the character or appearance of the HCA. It would conflict with Policy CP12 of the Three Rivers District Council Core Strategy 2011 ('CS') and Policies DM1 and DM3 of the Development Management Policies Local Development Document 2013 ('LDD') insofar as these require heritage assets to be conserved and enhanced including retention of important opens spaces and other elements of an areas established pattern of development, character and historic value.
8. In Framework terms, the harm would be less than substantial and therefore this harm should be weighed against the public benefits of the proposal. The considerable weight and importance I give to the desirability of preserving or enhancing the significance of the designated heritage asset would not be outweighed by the negligible public benefits from a garage associated with a private residential use.

Green Belt

9. Both parties appear to consider the proposal to be an extension to the building, albeit the Council also refer to it as an ancillary building and that it therefore falls to be considered as such in accordance with paragraph 145 (c) of the Framework and not as a new building. The garage is an important domestic adjunct and it would be sited very close to the dwelling's main living accommodation. The mere fact that a garage use per se is physically separated from the main building does not prevent it from being part of that building and, in this case, I have considered the proposal on the basis of it being an

extension. Consequently, this issue turns on whether it would be a disproportionate addition to the original building.

10. The CS, LDD or the Framework do not set out any volumetric, or other, standards and nor do they provide any detailed guidance on how 'disproportionate' should be assessed. It is not definitive that the Council's Design Guidance I have been referred to by the appellant refers to 30% as that is not policy or part of the adopted development plan, it is guidance only. Paragraph 145 (c) simply refers to size and to my mind it is primarily a consideration of the overall size increase in terms of volume and external dimensions, as well as consideration of floorspace and footprint.
11. The appellant contends a 17.8% increase in the size of the footprint of the existing dwelling which the Council does not appear to dispute. My attention has also been drawn to a lengthy planning history but there is nothing substantive before me to indicate the original building, other than my own observations. The single storey dwelling's width of 10.5m is not disputed by the appellant and the garage would have a width of 7.25m. The Council refer to this as being disproportionate in scale but that approach is to view it one dimensionally and in isolation to the disposition and scale of the overall built form that forms the building as a whole on the rest of the site.
12. In this case, the width would not be overly excessive and it would also be lower in ridge height than the adjacent building and the eaves height would match. Formed by a 'salt box' style roof sloping away to the rear garden its overall proportions not appear overly large in comparison with the relative sprawl of the much larger built form that it would sit next to and that houses the main living accommodation. On the evidence before me and my own observations it would not be a disproportionate addition over and above the size of the original building.
13. For these reasons, the proposal would not amount to inappropriate development. Consequently, it would not conflict with Policy DM2 of the LDD and Policy CP11 of the CS insofar as they require development to be in accordance with the Framework's Green Belt requirements. In terms of effect on openness I have concluded that the proposal would not be inappropriate development. In accordance with established case law² it should not be regarded as harmful either to openness of the Green Belt or to the purposes of including land in the Green Belt. Because of my findings it is also not necessary to consider whether very special circumstances exist.

Other Matters

14. The appellant contends a fallback position exists in terms of an outbuilding that could be built under permitted development rights to the rear. Having regard to the relevant case law, if the development taking place is more than a theoretical possibility, then it is material. Secondly, only if it satisfies that requirement does any assessment of its weight fall to be determined. There is reference to 'my client is aware of the fall-back position' in the appellant's statement but the accompanying heritage appraisal also refers to a larger garage at the rear that 'would be considered detrimental to the property and

² *Lee Valley Regional Park Authority v R (on application of) v Epping Forest District Council & Anor* (Rev 1) [2016] EWCA Civ 404.

the area'³. Further, there is nothing before me to substantiate what any permitted development rights would allow or what such a scheme would provide.

15. Even if there was more than a theoretical possibility, I have some reservations that the appellant would choose or be able to carry out such a proposal given its potential effects due to the proximity of any vehicular access to a group of mature trees to the side of the property and which are protected by their conservation area status. On the evidence before me the fall-back position before me carries little weight. The garage has recently been converted to office space⁴ so that being the appellant's choice, any subsequent need for a garage facility carries little weight.
16. I have been provided with a number of examples of what the appellant contends are similar forms of development within the locality. Whilst I observed those examples at my visit I have not been provided with the full details and I cannot therefore be certain that the developments highlighted are directly comparable to the proposal before me. Given its Green Belt and HCA designation the appeal is also subject to site specific and bespoke considerations and each case must be determined on its own merits. Thus, none of these other considerations, on their own or in combination, alter my view.
17. I note the appellant's reference to the presumption in favour of sustainable development. In accordance with paragraph 11 of the Framework however, the application of policies that protect areas of particular importance provides a clear reason for refusing the development proposed. As such the proposal would not be the sustainable development for which the Framework indicates a presumption in favour.

Planning balance and conclusion

18. For the reasons set out above, although I have found that the proposal would not be inappropriate and therefore would not cause definitional harm to the Green Belt, I have found that the proposal would fail to preserve or enhance the character or appearance of the HCA. That is the prevailing consideration and although there would be compliance with some parts of the development plan, the harm and conflicts are such that the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan.
19. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR

³ Page 3 of Executive Management Assist Ltd Heritage Support Statement.

⁴ LPA ref: 18/2261/CLPD