



Appeal Decision

Site visit made on 11 September 2019

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2019

Appeal Ref: APP/A1910/W/18/3218659

6 Highcroft Road, Felden, Hemel Hempstead, Hertfordshire, HP3 0BU

- 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 Keith Pritchard against the decision of Dacorum Borough Council
 - The application Ref 4/02587/18/FUL, dated 14 October 2018, was refused by notice dated 5 December 2018.
 - The development proposed is to replace approved dwelling ref – 4/00640/18/FHA with another.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposed development is described differently, on the planning application form; the Council's decision notice; and on the appeal form. The convention is to use the description contained on the planning application form and I have used this in the banner heading above. However, the wording used in the Council's decision notice provides a clear and concise description i.e. "demolition of existing property and construction of a 6 bedroom dwelling". I have considered the appeal on this basis. I have also taken into account the planning history of the site, including the granting of Lawful Development Certificates and other planning permission.

Main Issues

3. These are:
 - Whether the appeal development would be inappropriate development for the purposes of the National Planning Policy Framework 2019 (the Framework) and Development Plan Policy.
 - The effect of the development on the openness of the Green Belt and the purposes of including land within it.
 - The effect of the proposal on the character and appearance of the area.
 - If found to be inappropriate development, 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.

Reasons

Inappropriate Development

4. The appeal site comprises a relatively modest sized bungalow, which is situated on a large plot on a private residential estate. The bungalow is in poor condition and a garage that was adjacent to the property has been demolished. The site is within the Metropolitan Green Belt. Highcroft Road contains dwellings that vary in terms of their size and appearance. A number have been extended and altered over the years.
5. The proposal is to demolish the existing dwelling and construct a two storey detached dwelling. The property would have 6 bedrooms and would be positioned centrally on the site
6. Paragraph 145 of the Framework states that local planning authorities should regard the construction of new buildings as inappropriate within the Green Belt, unless it accords with one of a list of exceptions. One of these exceptions is the replacement of a building, provided the new building is in the same use and is not materially larger than the one it replaces.
7. Policy CS5 of the Council's adopted Core Strategy 2013 (CS) states that the Council will apply national Green Belt policy in order to protect the openness and character of the Green Belt. The policy allows for the replacement of buildings, provided they are for the same use. However, it makes no reference to size. As the Framework is a more recent document, I consider that it carries greater weight than the CS in my assessment of this appeal.
8. The site has a relatively lengthy planning history. This includes applications for Lawful Development Certificates for proposed extensions and outbuildings; a planning permission for extensions to the existing (original dwelling); and a proposal for a replacement dwelling in 2015, which was subsequently dismissed at appeal (APP/A1910/X/15/3135676). The Council states that the current appeal proposal is similar to that dismissed at appeal.
9. There has been considerable debate between the parties regarding the size of the replacement dwelling and the comparative size between it and a dwelling that could be constructed through a combination of permitted development and an extant planning permission. However, on the evidence before me, it is quite clear that the replacement dwelling (the subject of this appeal) would be significantly and materially larger than the existing property, due to its overall mass, volume and floor area.
10. Therefore, I conclude that the proposal would amount to inappropriate development within the Green Belt. I shall return to the history of the site and the matter of permitted development and extant permissions later in this decision.

Openness and Purposes

11. The Framework (paragraph 133) advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness has both a visual and spatial dimension and it is evident that the proposed dwelling would result in a loss of openness to the

site and the Green Belt, because of its size and prominent position. This adds to the harm that I have already identified by reason of inappropriateness.

Character and Appearance

12. Policies CS11 and CS12 of the CS seek to ensure that new development respects the built form and character of the area. Saved Policies 10, 18 and 21 of the Dacorum Borough Local Plan contain a similar requirement. I consider these policies to be consistent with the provisions of paragraph 127 of the Framework.
13. Highcroft Road contains dwellings that vary in terms of their size and appearance. A number of these are large two storey properties. The existing dwellings are generally laid out in a traditional linear form, facing Highcroft Road with front and rear gardens. In that regard, the proposed replacement dwelling would display a similar character and form and it would not appear out of context with its surroundings. Accordingly, the proposal would not conflict with the Development Plan or with the Framework, as referred to above.

Other Considerations

14. There has been considerable reference by both the appellant and the Council to the planning history of the site. I consider the history to be a material consideration and it is a significant matter in assessing the planning balance. The appellant considers that the appeal dwelling would be no larger than that which could be constructed under permitted development and by the grant of planning permission (the alternative development). He also shows that the alternative development, which includes an adjoining garage/outbuilding, would occupy a wider area of the plot than the appeal dwelling. As a result, the appellant contends that it would have a greater impact on the openness of the site, because it would be built closer to the side boundaries and would reduce the spacious character and open appearance of the area.
15. I consider that there is substance to the appellant's argument in some respects and I have given the matter careful consideration. However, the proposed appeal dwelling would be taller than the alternative development, with a greater mass and bulk. In addition, the appellant explicitly states that the alternative proposal "will not be implemented" because he considers it to be a poor design, which "lacks any architectural merit". Furthermore, the Council states that the garage/outbuilding cannot be considered as being lawful as it is attached to the dwelling. Because of these factors, I conclude that the weight that I am able to give to the appellant's argument is limited.

Green Belt Balance

16. The development amounts to inappropriate development in the Green Belt. Paragraph 143 of the Framework advises that inappropriate development, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. In addition, I have found that the proposed dwelling would lead to a loss of openness. Paragraph 144 of the Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
17. After giving careful consideration to the evidence, I find that the other considerations in this case either individually or cumulatively, do not clearly

outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Other Matters

18. The appellant has made reference to procedural issues between himself and the Council regarding the processing of the planning application and to correspondence between the parties. These are matters between the appellant and the Council and it is not within my remit to comment on such matters.
19. Concerns have been expressed by the occupants of neighbouring property regarding the effect of the proposal on their living conditions, with particular regard to overlooking and loss of privacy. The Council addressed this issue in some detail when considering the planning application and concluded that the proposal would not have an adverse effect, subject to the imposition of conditions requiring the fitting of obscure glazing to side facing windows. I have no substantive reasons to reach a different conclusion on this matter.

Conclusion

20. For the reasons given above, it is concluded that the appeal should be dismissed.

Ian McHugh

INSPECTOR