
Appeal Decision

Site visit made on 8 October 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2019

Appeal Ref: APP/N1920/W/19/3233117

Kendal Hall, 1 The Bothy, Watling Street, Radlett WD7 7LH

- 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 Oliver Turner against the decision of Hertsmere Borough Council.
 - The application Ref 19/0533/FUL, dated 2 April 2019, was refused by notice dated 29 May 2019.
 - The development proposed is described as 'demolition of existing dwelling house and associated garage, and erection of a replacement two-storey, three-bedroom detached dwelling house with associated car and cycle parking, refuse provision, amenity space and landscaping'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have, for completeness, used the appellants full name in my decision which is set out on the appeal form.

Main Issues

3. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area; and,
 - If the development is inappropriate, whether the 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 necessary to justify the proposal.

Reasons

Whether inappropriate development

4. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework makes it clear that new

- buildings are inappropriate in the Green Belt. However, an exception is made in the case of the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
5. A definition of 'materially larger' is not specified in the Framework, nor is there any clarity provided in Policy CS13 of the Hertsmere Local Plan Development Plan Document Core Strategy 2013 (the Core Strategy) or Policy SADM26 of the Hertsmere Local Plan Site Allocations and Development Management Policies Plan 2016 (the SADMP), against which the Council refused planning permission.
 6. In this regard, whilst floorspace and/or volume calculations can be used to determine whether or not a proposal would be materially larger than an existing building, it is also important to consider the visual increase in comparison with the existing building, taking into account the nature of the site and the precise nature of the proposal, which I have done here.
 7. According to the appellants, the replacement dwelling would comprise a total footprint of 121.2m², a floorspace of 206.9m² and a volume of 655.8m³, which would represent an increase in comparison with the existing dwelling and garage outbuilding in terms of footprint, floorspace and volume of around 17%, 50% and 50% respectively.
 8. The proposal would comprise a detached two-storey dwelling which would create a gap in between it and an existing single-storey building. The resultant additional footprint would not project any closer to the street than the existing. However, the proposed height of the roof and the eaves, along with the prominent gable roof forms would give the proposed dwelling a significantly more voluminous appearance, height and overall bulk, which would contrast sharply with the modest proportions of the existing single-storey house.
 9. Accordingly, given the quantitative evidence before me in terms of the increase in floorspace and volume proposed over and above the existing and taking into account the observations I made on site, the size of the proposed dwelling would be materially larger than that it would replace.
 10. For the foregoing reasons the proposal would be inappropriate development in the Green Belt that would, by definition, be harmful to the Green Belt. It would fail to meet the exceptions set out in paragraph 145 of the Framework. Consequently, there would also be conflict with Policy CS13 of the Core Strategy and Policy SADM26 of the SADMP which seek to ensure a proposed replacement building is not materially larger than the one it replaces.

Openness

11. Paragraph 133 of the Framework states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence.
12. Even though a gap would be created in between the proposed dwelling and the existing building to the west, the two storey gable roof elements would be particularly noticeable from the street. In tandem with the overall mass of the detached dwelling, and the creation of a first-floor level, the proposal would reduce the openness of the Green Belt in comparison with the existing dwelling. The inclusion of a glazed element positioned centrally at first floor

level would not compensate for the overall reduction in openness arising from the scale of the development proposed.

13. I accept that the presence of other large buildings in the area would reduce the extent to which the perceived openness would be diminished. Nevertheless, the effect of the proposal would be to reduce the openness of the Green Belt, albeit to a moderate degree.

Character and appearance

14. The appeal site lies off a rural lane which provides access to several properties. I saw on my site visit that a large dwelling had recently been erected generally to the north east of the appeal site. I have also been provided with evidence of recent planning permissions on sites nearby for several dwellings within the Kendall Hall Farm complex, one of which was decided on appeal¹. Each of the dwellings I saw along with those with extant planning permissions would retain a rustic character, commensurate with the historic rural setting within which each would be located.
15. I have also been provided with a copy of a revised site plan by the appellants which shows that the adjoining property, no. 2 The Bothy, is also under the control of the appellants. Therefore, whilst the proposal would result in a detachment of no. 2 from the appeal site, I am satisfied that a planning condition could be imposed in order to ensure that suitable restoration works would be carried out on the outer wall of no. 2 where it faces the appeal site, in order to ensure visual harmony with its surroundings.
16. The proposed dwelling would include a glazed 'link' element and irregular fenestration pattern along with other design features which would sit alongside more traditional elements such as the materials and overall layout and form of the dwelling. It would have a traditional appearance with an overtly contemporary twist.
17. The existing dwelling forms part of a larger 'L' shaped, understated single-storey building which appears rather undistinguished and somewhat overwhelmed by a large, more modern school building which lies to the rear of no. 2 The Bothy. Despite the considerable increase in height and bulk associated with the proposed dwelling, it would be no larger than other properties in the area and would be set back from the street, which would reduce its prominence. The appeal site is appreciably separate from many other houses that surround it, and the Kendall Hall Farm complex. In this context I am satisfied that the proposal would not harm the character and appearance of the area, particularly given the large, non-traditional building which backdrops the appeal site.
18. On this issue, I conclude that the proposal would not be harmful to the character and appearance of the area. In this respect the proposal would comply with Policies SP1 and CS22 of the Core Strategy, Policy SADM30 of the SADMP and paragraph 127 of the Framework which require, amongst other matters, that development is of high quality which recognises and complements the particular local character of the area in which it is located.

¹ Appeal reference number - APP/N1920/W/17/317256

Other considerations

19. The appellants propose a range of environmental benefits associated with the dwelling including rainwater harvesting, solar panels and other, non-specified, sustainable technologies. However, I do not know the extent to which these measures would reduce the carbon footprint of the dwelling over and above the existing and, thus, they attract only limited weight in favour of the scheme.
20. Reference has been made by the appellants to several other planning permissions locally for replacement dwellings in the Green Belt which it is suggested, were permitted despite comprising a larger increase in volume than the appeal proposal. Whilst I have been provided with a copy of the proposed plans relating to each of the cases, I am not aware of the full circumstances that were taken into account by the Council in reaching its decisions. In any event, I have considered the increase in volume as proposed alongside contextual observations I made on my site visit which have led me to conclude that the dwelling proposed would be materially larger than that it would replace. Consequently, the referenced decisions are not directly comparable and carry only limited weight in favour of the proposal.
21. I am aware that the proposal would be smaller in overall scale, of a different design, and further away from no. 2 The Bothy than a previously refused planning application on the same site². Be that as it may, I have assessed the proposal before me on its planning merits.
22. I note the appellants point about the Council's interaction during the course of the planning application. However, this matter does not carry any weight.

Conclusion

23. The proposal would be inappropriate development in the Green Belt which is harmful by definition. In addition, I have found a moderate loss to the openness of the Green Belt, which would be harmful. According to the Framework, substantial weight should be attributed to any harm to the Green Belt. Whilst I have found no harm to the character and appearance of the area, this is a neutral factor which neither weighs in favour or against the appeal scheme.
24. There are no other considerations that clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist, which is in conflict with the Framework in respect of Green Belt national policy and Policy CS13 of the Core Strategy and Policy SADM30 of the SADMP.
25. Accordingly, I conclude that the appeal is dismissed.

Matthew Woodward

INSPECTOR

² See Hertsmere Borough Council planning application reference – 17/1922/FUL