

Appeal Decision

Site visit made on 4 November 2019

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2019

Appeal Ref: APP/X0415/D/19/3234478

Evergreen, Coleshill Lane, Winchmore Hill HP7 0NP

- 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 T Barron against the decision of Chiltern District Council.
 - The application Ref PL/19/0603/FA, dated 22 February 2019, was refused by notice dated 6 June 2019.
 - The development proposed is the construction of a detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- whether the proposed development would be inappropriate development in the Green Belt having regard to the development plan policies and the National Planning Policy Framework;
- its effect on the openness of the Green Belt;
- its effect on the character and appearance of the Chilterns Area of Outstanding Natural Beauty (the AONB);
- its effect on the living conditions of the occupiers of 1 The View, Coleshill Lane, with particular regard to outlook; and,
- if the proposed development would be 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 it.

Reasons

Inappropriate development

3. Saved policy GB2 of the Chiltern District Local Plan 1997 (including alterations adopted 2001, consolidated 2007 & 2011) (LP) describes most development in the Green Belt as being inappropriate save for six exceptions. The exception the most relevant to this proposal concerns the limited extension of dwellings, which should be in accordance with LP policy GB15. This permits the construction of separate, ancillary, non-habitable buildings within domestic curtilages, so long as they are small and subordinate in scale to the original dwelling.
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4. The Council considers that the land on which the garage would be built is not within the domestic curtilage of the original building and that it would conflict with saved LP policy GB16 which resists the extension of an existing residential curtilage onto land in the Green Belt that is in non-residential use. However, the appellants point to a certificate of lawfulness of existing use or development that confirms the land as being in residential use, and they affirm that this is in connection with the original dwelling. This would appear to remove any conflict from the proposal with LP policy GB16.
5. Notwithstanding this, the Framework contains policies for development in the Green Belt. Its exceptions to the construction of new buildings in the Green Belt being considered inappropriate do not include stipulations about domestic curtilage or that an extension must be small, subordinate or concerning a dwelling. It postdates the saved policies by 22 years and is a material consideration of great weight. Given the degree of inconsistency between the saved policies and the Framework, I give greater weight to the policies in the Framework.
6. In paragraph 145, the Framework sets out a number of exceptions including exception (c), the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building. Though the garage would be around 25m from the house, located behind the back gardens of neighbouring houses which are enclosed by fences and planting, and with its openings facing in the opposite direction of the house, the appellants contend that the development would not be inappropriate as it would be an extension of the original building and not disproportionate to its size.
7. I note the appellants' reference to the judgement in *Sevenoaks District Council v SSE and Dawe* [1997], and I have taken into account that the site of the garage is presently used for parking. However, because of the physical and visual separation of the proposed garage from the dwelling, particularly its siting in relation to the original dwelling fronting Coleshill Lane, it would not be a normal, domestic adjunct to the dwelling. It cannot therefore be considered as an exception as defined in 145(c).
8. Notwithstanding this conclusion, even if it were considered to be an extension to the dwelling, its floor area is described as being around one third of the floor area of the house together with its annexe. Its roof, with a ridge at around 5m high, would be conspicuously voluminous. In the terms of LP policy GB15 the garage would not be small or subordinate to the original building. In terms of paragraph 145(c), its footprint and volume would be a disproportionate addition over and above the size of the original building. Therefore, the proposed development would not, in any event, meet the criterion of an exception under either the Local Plan or the Framework.
9. There are no other exceptions in paragraph 145 which apply to the proposal. It would therefore be inappropriate development, placing it in conflict with the objectives of LP policies GB2 and GB15, and with the Framework which indicates that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances.

The openness of the Green Belt

10. Openness is described in the Framework at paragraph 133 as an essential characteristic of the Green Belt. I have taken into account the siting of the

proposed garage close to the garden boundary and the other buildings in the site. Nonetheless the proposal would add to the amount of built development within the Green Belt, its volume and bulky form reducing its openness, which given the scale of the development, would result in moderate harm to its openness, to which the Framework requires that substantial weight be given.

The character and appearance of the AONB

11. I appreciate that the proposal would extend the footprint of buildings further from Coleshill Lane and towards the undeveloped area of open countryside. However, given its proximity and similar scale to the annexe and the position of neighbouring buildings to the west of the site, I can see no harm from its size, siting or use to the character of the AONB. Its wall boarding and roof tiling could be conditioned to be sensitive to the material character of the area, as could its detailing. Given the scale of the proposal and its shape and arrangement of materials, its appearance would reflect the vernacular of the area. There would be no conflict from the proposed development with saved LP policies GC1 and LSQ1 and policies CS20 and CS22 of the Core Strategy 2011 which seek to conserve or enhance the special landscape character, distinctiveness, and high scenic quality of the AONB.

The living conditions of the occupiers of 1 The View

12. Given the siting of the garage off the back boundary of the long back garden to 1 The View, and the modest height of the eaves of its roof which would slope away from 1 The View, its impact on the outlook from within the dwelling would be very limited. From within the back garden of 1 The View the roof of the garage would be seen over the high timber fence and planting on the back boundary. Taking into account the size of the back garden of 1 The View, the limited height of the garage, the fence in front of it, and its separation, it would not have an over-enclosing or visually intrusive effect on the outlook from the garden.
13. The proposed garage would be sited to the north of 1 The View. It would not harm the daylight or sunlight received by 1 The View, and given its site is presently used for parking, the risk of loss of privacy from noise or disturbance is low. The effect of the proposed development on the living conditions of the occupiers of 1 The View, Coleshill Lane, with particular regard to outlook, would not be harmed. There would be no conflict with LP saved policy GC3 which protects the amenities of the occupants of neighbouring properties.

Conclusion

14. I have found that though the proposed development would not harm the character or appearance of the AONB or the living conditions of surrounding occupiers, it would be inappropriate development in the Green Belt. I have given only limited weight to the other considerations cited in favour of the proposal, and conclude that, taken together, they do not clearly outweigh the harm that the proposal would cause. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt. Accordingly, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR