
Appeal Decision

Site visit made on 28 January 2020

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 20 February 2020

Appeal Ref: APP/C1570/D/19/3241504

The Lock House, Dell Lane, Little Hallingbury CM22 7SG

- 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 A Julier against the decision of Uttlesford District Council.
 - The application Ref UTT/19/1937/HHF, dated 5 August 2019, was refused by notice dated 26 September 2019.
 - The development proposed is a single storey front and side extension.
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Decision

1. The appeal is dismissed.

Procedural Issues

2. The address of the appeal site is taken from the application form. Whilst I saw plaques identifying the property as 'Lock Lodge' during my site visit, I have no evidence from the appellant before me that confirms the site address has formally changed.
3. The Council has identified Policy S7 of the Uttlesford Local Plan, 2005 (LP) within its first reason for refusal. However, this policy applies to all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. As the appeal site lies within the Metropolitan Green Belt, this policy has not been determinative in my consideration of this appeal.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework, 2019 (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;
 - The effect of the proposal on the scheduled monument, Wallbury Camp; and
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development in the Green Belt

5. The Framework sets out the Government's planning policies for England and is an important material consideration in all planning decisions. Paragraph 145 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless it meets one or more of a list of exceptions. This includes that the extension or alteration of a building does not result in disproportionate additions over and above the size of the original building. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Policy S6 of the LP deals with the Metropolitan Green Belt but contains no detailed guidance above the approach that the Council will take in considering such proposals.
7. The appeal site is a detached one-bedroom 'L' shaped dwelling with a single-storey detached outbuilding to the rear. The proposed development would result in a dual hipped roof single-storey front extension and side extension to the east of the property. This would increase the rooms considerably to the dwelling going from a one-bedroom to a three-bedroom property, with the addition of an en-suite and second lounge, which the Council appears to have taken to be a fourth bedroom.
8. The Framework does not define the term 'disproportionate' and whilst I acknowledge that the scheme has been revised from a previous decision¹, the footprint and bulk of the property would still be significantly increased by the proposed extensions. The extension would accord with the height of the existing building and would be subordinate to the main façade only, in terms of its design being comparative to the features of the frontage of the existing property. Even though the appeal proposal would be reduced in size from that proposed in the previous application, in my assessment it would still result in an appreciable increase in both footprint and bulk, which would amount to a disproportionate addition to the original building. I therefore conclude that the appeal proposal would be inappropriate development in the Green Belt and, in this regard, it would conflict with the Framework.

Openness

9. As set out in paragraph 133 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics thereof being their openness and permanence. The physical presence of built forms may affect openness, which can also have a visual element. In that, the bulk of the building would be increased by additional built development and the proposal would reduce openness noticeably. In view of the above points, I conclude that the proposed development would have an appreciable impact on the openness of the Green Belt.

¹ APP/C1570/D/19/3224209

Character and Appearance

10. Policy GEN2 of the LP permits development that is compatible with the scale, form, layout, appearance and materials of surrounding buildings, whilst Policy H8 of the LP requires extensions to dwellings to respect the original building, in terms of scale, design and external materials.
11. The appeal site is located along Dell Lane which is generally a single-track lane, with intermittent dwellings and buildings on either side of the highway. The appeal property is set back from Dell Lane and is screened by a sliding entrance gate for access and mature vegetation exists on all sides, which results in restricted views of the appeal site.
12. The proposed development would consist of single-storey extensions at ground floor that would match the existing roof form of the dwelling and the ridge height would be no higher than the existing. The front extension would not project any further forward than the existing dwelling, with the extension to the east being set back. The fenestration and materials would also match that of the existing. Furthermore, as the proposed development would only be at ground floor, with the property being well set back from Dell Lane with intervening vegetation screening the site, it would not have an adverse impact on the surrounding properties particularly the adjacent property of Lock House, or on the wider area itself.
13. For the reasons given above, I conclude that the proposed development would not cause harm to the character and appearance of the area. Accordingly, it would not be in conflict with Policy GEN2 and Policy H8 of the LP, referred to earlier.

Archaeology

14. Paragraph 189 of the Framework requires that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site includes heritage assets with archaeological interest, it requires developers to submit an appropriate desk-based assessment, and where necessary a field evaluation.
15. Pursuant to paragraphs 193 and 194 of the Framework "great weight" should be given to the scheduled monument's conservation and substantial harm to it or loss of it should be wholly exceptional. Moreover, paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
16. The appeal site is located within Wallbury Camp, a prehistoric earthwork which is a scheduled monument. Historic England² have advised that the proposed development is likely to disturb buried archaeological remains. The application was not accompanied with a heritage statement and/or archaeological assessment. The appellant advises that the Council had previously not

² Historic England Consultation Letter Ref: P01097415, dated 20 August 2019

requested this, nonetheless I have to take a precautionary approach and consider the evidence which is now before me and forms part of this appeal.

17. Therefore, I must conclude that in the absence of substantial evidence from the appellant there is insufficient information on whether the proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the scheduled monument. As such it would be contrary to Policy ENV4 of the LP, which has a presumption in favour of their physical preservation in situ; and in situations where there are grounds for believing that sites, monuments or their settings would be affected developers will be required to arrange for an archaeological field assessment to be carried out before the planning application can be determined thus enabling an informed and reasonable planning decision to be made.
18. It would also be in conflict with the Framework, Chapter 16, which aims to conserve and enhance the historic environment.

Other Considerations

19. The appellant's evidence relies heavily on the comparisons between the proposed development and the previous scheme which was dismissed at appeal, and the argument that by reducing the development from two-storey to single-storey, it would not result in inappropriate development within the Green Belt.
20. I have had regard to the previous appeal decision, and accept that the previous proposal, for a larger extension, had some similarities with the current proposal. However, the design has now changed, and I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.

Conclusion

21. The appeal scheme is inappropriate development in the Green Belt. This is harmful by definition. The proposal would lead to an appreciable loss of openness to the Green Belt which gives rise to additional harm. In each case, these harms render the appeal scheme contrary to the aims of both the policies of the development plan, as I have identified them, and the relevant sections of the Framework.
22. Against this, the other considerations that have been advanced are not sufficient, either individually or cumulatively, to clearly outweigh the harm to the Green Belt and the other harm I have identified, including the effect on the scheduled monument. Consequently, the very special circumstances necessary to justify the development do not exist.
23. The proposed development would be contrary to the development plan and the Framework, taken as a whole. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

K A Taylor

INSPECTOR