



Appeal Decision

Site visit made on 10 March 2020

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2020

Appeal Ref: APP/A1910/D/19/3242622

Woodland View, Rossway, Berkhamsted, HP4 3UD

- 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 & Mrs Henry against the decision of Dacorum Borough Council.
 - The application Ref: 400891/19/FHA dated 20 March 2019, was refused by notice dated 17 June 2019.
 - The development proposed is construction of a new car port.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address in the banner heading above is taken from the original planning application form and the decision notice. The appellant's appeal form refers to the property as 'Nordic House..'. However, this property does not appear to be listed by Royal Mail under this postcode at the time of writing this decision. Therefore, I have used the address from the original planning application form.
3. My consideration of this appeal is based upon the application form for Ref: 4/00891/19/FHA dated 20 March 2019, the Design & Access Statement, plans/drawings Refs CP01, 8143/1B existing, 8143/1B proposed, CP01, Location Plan, Appeal Form & Statement dated 28 November 2019, Decision Notice dated 17 June 2019, and the planning officers delegated report (undated).

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the Chilterns Area of Outstanding Natural Beauty; and,
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other

considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

5. The appeal site is located within the Metropolitan Green Belt. Paragraph 143 of the National Planning Policy Framework (February 2019) (the Framework) indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states the construction of new buildings shall be regarded as inappropriate in the Green Belt. This is unless the development proposal meets one of the exceptions that are set out. Policy CS5 of the Dacorum Core Strategy (2013) (the Core Strategy) is consistent with the Framework in so far as it requires the application of national Green Belt policy.
6. The Council's reason for refusal cites the development resulting in a materially larger dwelling than the original and the permitted replacement, thereby constituting inappropriate development. The previous dwelling replaced by the current one (permitted in 2014 by Ref: 4/03369/14/FUL) benefitted from a garage. However, no garage was permitted under the 2014 permission, which appears substantially completed. The area of the proposal is part of a driveway. Therefore, the proposal would not constitute a replacement building, so it would not meet the stated exceptions in paragraph 145 d) of the Framework, or CS5 d) of the Core Strategy, for a replacement building.
7. The construction of new outbuildings is not included within the permissible types of development in the Green Belt in the Framework and Policy CS5. The Framework expects extensions and alterations to be considered in the context of the 'original building'. As a new detached building, the development does not therefore comprise an extension or alteration of a building under paragraph 145 c) of the Framework or Policy CS5. Furthermore, the current dwelling is a recent replacement dwelling, so it is not the original building defined in Annex 2 of the Framework, so is not the starting point for considering this proposal.
8. The proposal would be in between two existing dwellings that are part of a small community in the Green Belt. There is no evidence however, to suggest the community is a designated village in the development plan. Based on the evidence before me I cannot conclude that this small informal collection of dwellings and buildings constitutes a village. Therefore, the proposal would not fall within the exception of paragraph 145 e) of limited infilling within villages.
9. Paragraph 145 g) of the Framework lists one exception as being the limited infilling or the partial or complete redevelopment of previously developed land, provided (amongst other things) it would not have a greater impact on the openness of the Green Belt than the existing development. My findings on the effect on Green Belt openness as set out below, will therefore determine whether or not the proposal is inappropriate.

Openness

10. The Framework explains the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open (paragraph 133). The appeal site dwelling is located on the south western side of a collection of buildings within a rural setting. The proposal would be located between the appeal site

dwelling and an approximately 1.8m timber fence enclosing the dwelling from a footpath and a further dwelling to the south east. As such, it would be set within the building lines of the existing buildings.

11. The proposal appears of a sufficient size to accommodate two cars side by side, within a brick plinth, wooden frame, boarding, and pitched roof of approximately 1.7m – 2.1m to the eaves, and 4m to the ridge. It would be discernibly visible from a limited length of the footpath, parts of neighbouring land and from the drive entrance. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect. The proposal would result in a new detached structure of some significant height on a currently open pebbled drive, and therefore the proposal would have an impact on the openness of the Green Belt in spatial terms.
12. The proposal would therefore have an adverse impact on the openness of the Green Belt in spatial and visual terms. For the reasons set out above, the proposal would be inappropriate development in the Green Belt. Therefore, in this regard, it would conflict with Policy CS5 of the Core Strategy and with the Framework in so far as these policies confirm that openness is an essential characteristic of Green Belts and that it would be inappropriate development which is, by definition, harmful to the Green Belt.

Character and appearance

13. The appeal site is located within the Chilterns Area of Outstanding Natural Beauty (AONB). Within the AONB paragraph 172 of the Framework expects great weight to be given to conserving and enhancing the landscape and scenic beauty, as such areas have the highest status of protection. Policy CS24 of the Core Strategy expects the special qualities of the AONB to be preserved.
14. I note the presence and arrangement of other buildings and properties surrounding the appeal site. The proposed building itself appears well designed in terms of its composition of materials and appearance having regard to the surrounding character of development. Notwithstanding this, the development would be sited well forward of the gable wall of the appeal site dwelling, a few metres from the line of its most forward elevation. This positioning and relationship would appear poorly related to the main dwelling.
15. While it would be largely screened from the wider landscape from three directions, it would impede views into the open AONB landscape from part of the access road and be visible from parts of nearby land. Plans before me suggest that some landscaping is proposed around the perimeter of the garden. This did not appear to be present at my visit and is likely to take some years to establish once planted.
16. Taking all of the above factors into consideration, the proposed development would have a modest adverse effect upon the landscape and scenic beauty of the AONB. It would result in some harm to, and neither conserve or enhance, the landscape and scenic beauty of the AONB. In this regard, the development would conflict with Policy CS24 of the Core Strategy and paragraph 172 of the Framework. As an area which has the highest status of protection in these respects, this matter is given great weight. Both parties have referred to the Chilterns Buildings Design Guide, however, I have not been provided with this.

Whether very special circumstances exist

17. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It is clear that substantial weight should be given to any identified harm to the Green Belt.
18. I note the appellant's view that a car port or garage is a requirement of modern living and the Council may have anticipated such a proposal. However, a significant proportion of dwellings do not benefit from car storage facilities and I see no evidence to demonstrate the car port is essential for the inhabitation of the appeal site dwelling. Furthermore, each proposal must be considered on its own merits and impacts. The proposed solar panels may be compliant with some planning policies but given the limited area of the panels, they would only equate to a small benefit in terms of renewable energy.
19. I acknowledge the materials have been selected to be in keeping with the surrounding development and that surrounding vegetation would not be expected to be affected by the proposal. However, the factors and benefits set out by the appellant would not clearly outweigh the harm identified to the Green Belt, which carries substantial weight, so as to amount to the very special circumstances necessary to justify the proposal. The proposal conflicts with the development plan and the Framework in this regard, and material considerations do not lead me to a decision otherwise.

Other Matters

20. The Council concludes that the proposed development would not have any significant impact upon the living conditions of neighbouring properties or highway and access matters, and I see no reason to disagree. A neighbour raises no objection and the Parish Council appear to support the proposal. However, this does not outweigh the harm I have found. I have noted the views of the Rights of Way Officer suggesting the boundary of the appeal site may have encroached onto an adjacent public footpath. However, this has not been a determinative matter in this appeal.

Conclusion

21. The proposed development would be contrary to the development plan and the National Planning Policy Framework as a whole, and there are no considerations, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR