The Planning Inspectorate

Appeal Decision

Site visit made on 10 March 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd April 2020

Appeal Ref: APP/C1950/D/20/3244287
Just House, Coopers Lane, Northaw, Potters Bar EN6 4NJ

- 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 Steve and Roberta Georgiou against the decision of Welwyn Hatfield Borough Council.
- The application Ref 6/2019/2165/HOUSE, dated 30 August 2019, was refused by notice dated 28 October 2019.
- The development proposed is erection of front garden dwarf wall with steel railings and redesigned electric gates and installation of two new accesses following removal of the two existing accesses.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has made reference to the Draft Local Plan Proposed Submission (2016). However, it is not clear when this will be adopted, therefore, I can only give the policies limited weight in the determination of this appeal.

Main Issues

3. The main issues are:

- whether the proposal would be inappropriate development, including the effect on the openness of the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- the effect on the character and appearance of the area;
- whether the proposed development would preserve or enhance the setting of the nearby listed buildings;
- highway safety; 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 and openness

4. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. Paragraph 145 of the Framework states that the construction of new buildings is inappropriate in the Green Belt, apart from the listed exceptions. One of these exceptions, exception d), is 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'. However, the wording of the exception d), only references buildings, rather than structures or erections, as referred to in Section 336 of the Town and Country Planning Act 1990.

6. The appeal site has an existing timber and wire link fencing. The proposal is to replace this with high iron railings above a dwarf wall, as well as the erection of two gates, which would be approximately 2.5 metres high. The scale of development proposed would be extensive, when compared to the existing structure on site. The proposal would not comply with the exceptions in paragraph 145 of the Framework, and as such be inappropriate development in the Green Belt.

7. Paragraph 133 of the Framework states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

8. Whilst there is an existing fence to the front of the property, the spatial and visual scale of the proposed development would be considerably larger. The increase in development on the site would reduce the visual permeability of the Green Belt. Due to the height and design of the proposal, it would make the site appear more developed compared to the existing appearance of the site. Therefore, the proposal would result in harm to the openness of the Green Belt.

9. The proposed boundary treatment and gates would represent an inappropriate form of development within the Green Belt and would result in a loss of openness of the Green Belt. Therefore, it would be contrary to saved Policy GBSP1 of the Welwyn Hatfield District Plan (WHDP) (2005) and the Green Belt chapter of the Framework. These policies seek to protect the Green Belt and their openness.

10. The Council has made reference to saved Policy RA3 of the WHDP. This policy refers to extensions to dwellings, including outbuildings, in the Green Belt. However, the policy is silent on boundary treatments such as fences and gates. Therefore, this policy is not relevant to this decision.

Character and appearance

11. The area is characterised by large detached properties with relatively open frontages. The site sits in the Northaw Common Parkland Landscape Character Area. The boundaries to the properties adjacent to the site are a mix of landscaping, shrubs and hedging and mostly timber fences. The surrounding area has a predominately green and rural character due to the surrounding landscape.

12. The Supplementary Design Guidance (SDG) (2005) recommends that the means of enclosure for development should reflect the character of the area, for example the type of boundary, the type of materials, the species of hedges and the height of existing boundaries.

13. The proposed development would appear significantly higher than other boundary treatments along the road. The gates, in their suburban design and appearance, would be in contrast to the predominately verdant character around the site and would appear as a prominent and incongruous feature within the street scene.

14. Accordingly, the development would harm the character and appearance of the area. It would be contrary to policies D1 and D2 of the WHDP and the SDG 2005. These policies and guidance require development to respect and relate to the character and context of the area.

Listed buildings

15. The site is located adjacent to Spinney Cottage, a Grade II listed cottage, and the Grade II* listed Northaw Place and Grade II garden wall. To the south east of the site is the Grade II listed Northaw House and its associated Grade II listed stables. Given the proximity to the listed buildings, the appeal site and the street scene forms part of their setting.

16. I have a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the listed buildings and their setting.

17. The entrances to Northaw Place and Northaw House, as rural country houses set within large grounds, are relatively formal and have associated gates, brick piers and estate fencing which is set back from the road. These boundary treatments and entrances relate to the historic status of these buildings within an otherwise rural setting.

18. The modern design and appearance of the proposed railings and gates would appear noticeably suburban, which would detract from the rural character of the street scene. Therefore, the addition of an incongruous boundary treatment would harm the wider rural characteristics of the setting of the group of Listed Buildings, particularly the adjacent Spinney Cottage.

19. The proposal would have a negative effect on the significance of a designated heritage asset and would result in "less than substantial" harm in the words of the Framework (paragraph 196). No substantive public benefits have been put forward to weigh against this harm.

20. Consequently, the proposed development would be contrary to Policy D1 of the WHDP and Paragraph 196 of the Framework. These policies require development to respect and relate to the character and context of the area and to protect designated heritage assets.

Highway safety

21. The location of the proposed gates would be in close proximity to the highway. Due to the lack of a footpath or driveway outside the gates, vehicles would have to wait on the highway for the gates to open before they could enter the

property, or let other vehicles exit the property. I note that remote access would be available to the appellants, however, it is unlikely that all visitors would have use of this function. Therefore, the obstruction of vehicles on the highway would cause a hazard for pedestrians and other road users travelling along the road.

22. I note that the Highway Authority has stated that the visibility of the proposed access would be substandard and would not meet the required visibility splay on a 40mph highway. I observed that the surrounding roads and junction were relatively busy roads and that vehicles were travelling at some speed. The existing vegetation either side of the access would obscure some views when exiting the site, meaning that drivers of the vehicles would need to protrude onto the highway in order to obtain clear views in both directions. However, this would be similar to the existing situation at the property.

23. I acknowledge that the proposal would improve the internal arrangements of the site making it easier for vehicles to leave in a forward-facing gear compared to the existing arrangements. I also note the appellants have proposed to install flashing hazard lights and mirrors to aid the safety of vehicles exiting the site. However, the convex mirror is not shown to be within land under the appellants control, therefore, it is not clear how this would be secured. If a car was waiting to enter the site or parked outside the gate whilst a vehicle was exiting, the vehicles movements of this vehicles would be obscured by the waiting vehicle as drivers travelling along the road would not have clear views of the road ahead.

24. The appellants suggest that no pedestrians ever use this road as there are no pavements. However, the lack of pavements does not necessarily mean pedestrians do not walk along the road. If pedestrians were using the road to walk along, waiting vehicles outside the property would cause a lack of visibility on the highway and would cause a highway safety issue for pedestrians.

25. I find that the proposal would have a detrimental effect on highway safety. Therefore, it would be contrary to policies D1 and D5 of the WHDP. These policies require development to be high quality and take account of its impact on movement patterns.

Other Considerations

26. The appellants have drawn my attention to other examples of boundary treatments within the Green Belt. However, I do not have full details of the nature of the proposals, or the circumstances and material considerations that were relevant to their determination. Consequently, I cannot be sure that these are wholly representative of the circumstance in this appeal, and in any case, I must determine this appeal on its own merits.

27. The appellants haves also suggested that the proposal would provide parking for at least 10 vehicles in the forecourt, which would make the road safer and protect their cars from damage, as well as providing increased security for the property. Whilst I acknowledge the gates would improve the security for the occupiers, the site could already accommodate a number of vehicles on the forecourt area. These factors would not outweigh the harm that I have identified above.

Green Belt Balance and Conclusion

28. I have concluded that the proposal would be inappropriate development in the Green Belt, and it would therefore conflict with Policy GBSP1 of the WHDP and Section 13 of the Framework. It would also result in a loss of openness of the Green Belt. These matters attract substantial weight.

29. There are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Therefore, the very special circumstances necessary to justify the proposal do not exist.

30. For the reasons set out above, and having regard to all other matters, the appeal is dismissed.

D Peppitt

INSPECTOR