



Appeal Decision

Site visit made on 10 August 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2020

Appeal Ref: APP/J1915/W/20/3249529

Land adjacent to Byfield House, Gypsy Lane, Great Amwell SG12 9RJ

- 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 Giuseppe Baio against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1574/FUL, dated 25 July 2019, was refused by notice dated 14 October 2019.
 - The development proposed is described as "demolish existing residential garage and construct new detached dwelling".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the appeal proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies,
 - the effect of the development proposed on the character and appearance of the site and surrounding area,
 - the effect on the living conditions of the occupiers of Byfield House; and,
 - if the appeal proposal is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development in the Green Belt

3. The appeal site is within the Green Belt. Paragraph 143 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt, save for certain exceptions. Paragraph 145 d) of the Framework identifies one exception as the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Paragraph 145 g) further identifies as an exception the limited infilling or the partial or complete redevelopment of

- previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
4. Policy GBR1 of the East Herts District Plan October 2018 (the DP) states that planning applications within the Green Belt will be considered in line with the provisions of the Framework.
 5. There is an extant outline permission for the demolition of the existing garage and construction of a new detached dwelling on this site. However, from the evidence before me all matters were reserved when the application was submitted, and therefore the scale of the approved dwelling remains to be determined. Accordingly, I consider that the principle of erecting a new dwelling on this site has been established as acceptable, but any development must not be materially larger than the building it replaces nor have a greater impact on the openness of the Green Belt.
 6. The appeal site contains an existing dwellinghouse with a single-storey flat-roofed garage building to one side as well as a shed and a structure covered in plastic sheeting that contained plants on the day of my visit. The proposed dwelling would replace these structures, and I am satisfied that it would be in the same residential use. However, as a two-storey building with a pitched roof it would be a materially larger building than the structures it would replace, so I do not consider that it would qualify as an exception under Paragraph 145 d).
 7. The Framework defines previously developed land as land which is occupied by a permanent structure. I am satisfied that the appeal site meets this definition. However, the proposed dwelling would be larger than the structures that it would replace, and due to its height would have a greater impact on the openness of the Green Belt than the existing development. I do not therefore consider that it would be an exception under Paragraph 145 g) of the Framework.
 8. The appeal proposal would not meet any of the exceptions identified in paragraph 145 of the Framework and would conflict with Policy GBR1 of the DP. It would therefore constitute inappropriate development in the Green Belt, which the Framework establishes should not be approved except in very special circumstances.

Character and appearance

9. I saw during my site visit that houses on Gypsy Lane are typically set back from the highway, although the distance between neighbouring dwellings varied. The proposed dwelling would be much closer to the front site boundary at its closest point than the host property or other neighbouring properties. I saw that 2 Gypsy Lane was close to its boundary with Gypsy Lane, but this appeared to be a side elevation facing the spur leading up to the appeal site.
10. The proposed dwelling would be of a similar height at two storeys as neighbouring properties. However, the irregular shape of the appeal site would result in it appearing cramped within the street scene due to its height and how close it would be to the front boundary at its closest point.
11. My attention has been drawn to other sites on which the Council has granted planning permission for new dwellings on Gypsy Lane, as well as to permissions for extensions to existing dwellings. However, I do not have the details of these permissions before me, including when they were granted, the specific

circumstances of the sites at the time that permission was granted, and against which local and national policies they were assessed. I cannot therefore give significant weight to these other permissions in determining this appeal.

12. The appeal proposal would be a cramped form of development that would cause harm to the character and appearance of the site and surrounding area. It would therefore conflict with policy DES4 of the DP, which requires that development be of a high standard of design to reflect and promote local distinctiveness.

Living conditions

13. The proposed dwelling would be sited next to Byfield House. There are two first-floor side windows to the existing house that face onto the appeal site. I have not been provided with details of what rooms these windows serve, but during my visit I saw that at least one of these windows has clear glass, so appears to serve a habitable room. I consider that the outlook from these windows would be significantly reduced by the development proposed due to the height and proximity of the proposed dwelling.
14. As a result of the greater height of the proposed house over the existing garage, there would be some additional overshadowing of the land to the rear of the existing house, as well as of the conservatory to the side of Byfield House. However, I saw during my visit that the land to the rear of Byfield House is already overshadowed due to the limited separation between the house and boundary to its rear, and the host property has a large garden area to the side and front of the house. The conservatory lies between the host property and garage and is therefore also already overshadowed. I do not therefore consider that the appeal proposal would result in significant additional harm through overshadowing.
15. The proposed house would contain a bathroom window to the first-floor elevation facing the host property. If I were minded to allow this appeal, I consider that it would be appropriate to impose a condition requiring that this window be fitted with obscured glazing with restricted opening to preserve the privacy of the neighbouring occupiers.
16. Both parties have referred to an earlier application for a dwelling on this site, for which permission was refused, and subsequent changes to the proposed dwelling. I do not have the full details of that application before me so cannot assess the extent to which the scheme has changed, or to which it was considered harm would arise as a result of that proposed development. I have instead considered the appeal proposal on its own merits.
17. The appeal proposal would result in an unacceptable loss of outlook for the occupiers of the neighbouring Byfield House. I therefore find that the development proposed conflicts with DP Policy DES4. This policy requires that development avoid significant detrimental impact on the amenity of occupiers of neighbouring properties.

Other Matters

18. The appeal site forms part of an area of land including the host property and neighbouring nursery designated in the Council's Strategic Housing Land Availability Assessment. However, it is not clear from the evidence submitted whether the designated site has been deemed as suitable for development. I

am therefore only able to give limited weight to this designation in determining this appeal.

19. The Parish Council have objected on the grounds that the appeal proposal represents inappropriate and harmful development in the Green Belt. I note that there have otherwise been no objections from residents or statutory consultees to the appeal proposal. The absence of additional identified harm on the part of third parties is a neutral consideration in my assessment of the appeal.

Whether very special circumstances exist

20. I have found that the appeal proposal would result in harm to the Green Belt by reason of inappropriateness. In addition, there would be a loss of openness resulting from the increased height of the proposed dwelling compared to the single-storey structures that it would replace. Paragraph 144 of the Framework states that any harm to the Green Belt should be given substantial weight.
21. I have also found that there would be harm to the character and appearance of the site and surrounding area, and from the loss of outlook to the occupiers of the existing house, as a result of the appeal proposal. I consider that these would amount to additional moderate harm in this instance.
22. The extant outline planning permission establishes that the principle of residential development on the site is acceptable. The development proposed would include landscaping to increase the area of green space at the site and provide an enhanced wildlife habitat as well as provide a permeable parking area. The proposed dwelling would provide additional private accommodation for the family currently living in Byfield House, who manage the adjacent nursery. The siting of the proposed dwelling close to the site boundaries would limit potential further growth of the building. I afford these considerations limited cumulative weight in favour of the appeal proposal.
23. However, even when taken together I do not consider that these other considerations would clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm. Therefore, very special circumstances do not exist in this instance.

Conclusion

24. For the reasons set out above, the appeal is dismissed.

M Chalk

INSPECTOR