



Appeal Decision

Site visit made on 17 August 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2020

Appeal Ref: APP/A1910/W/20/3249405

6 Highcroft Road, Felden HP3 0BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Keith Pritchard against Dacorum Borough Council.
 - The application Ref 19/03276/FHA, is dated 29 December 2019.
 - The development proposed is described as "This Full Planning Application is for alterations to window and door openings of both the bungalow and the garage/garden maintenance building as Approved Planning Consent ref 4/00640/18/FHA and to raise the roof of the garage building by increasing the height of the brickwork by 500mm thus allowing for better use of the first floor areas, and to confirm that the development of the first floors accords with the planning consent granted under planning ref 4/00640/18/FHA".
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Decision

1. The appeal is allowed and planning permission is granted for alterations to window and door openings of both the bungalow and the garage/garden maintenance building as Approved Planning Consent ref 4/00640/18/FHA and to raise the roof of the garage building by increasing the height of the brickwork by 500mm at 6 Highcroft Road, Felden, HP3 0BU in accordance with the terms of the application, Ref 19/03276/FHA, dated 29 December 2019 subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The appeal has arisen as a result of the Council not determining the above application. As part of their appeal submissions the Council stated that they would have refused permission for the application as they considered that the appeal proposal would be inappropriate development in the Green Belt, that it would be harmful to the living conditions of the occupiers of No 4 Highcroft Road, and because the appeal site is located within a risk zone associated with a landfill and insufficient information had been submitted to show that there would not be an unacceptable impact on public health.
3. With regard to the contaminated land issue, the Council have recommended conditions to address this point. In the absence of conflicting evidence I am satisfied that the matter can be controlled by condition.
4. While I note the Council's comments on the validity of the application, during my site visit I saw that foundations had been laid for extensions previously approved to the appeal property. I am therefore satisfied that work has

commenced. It is not necessary for these works to have been completed for planning permission to be granted to vary the works.

5. The garage and garden maintenance building was granted a certificate of lawfulness under application ref: 4/01750/17/LDP. During my site visit I did not see any indication that construction had commenced on this element of the development. However, the building was shown on the submitted drawings approved under planning application ref: 4/00640/18/FHA, although not mentioned in the description of development on the decision notice. The garage and garden maintenance building therefore also has planning permission.
6. I have amended the description of development within my decision to only include those parts for which planning permission is required.

Main Issues

7. The main issues are:

- Whether the development proposed 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 living conditions of neighbouring occupiers, with particular regard to the effect on the daylight and sunlight to no 4 Highcroft Road; 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

8. The appeal property is a bungalow located within the Green Belt. The National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt should be regarded as inappropriate, save for certain exceptions.
9. Paragraph 145 c) of the Framework states that the extension or alteration of a building is one of these exceptions provided that it does not result in disproportionate additions over and above the size of the original building. Policy CS5 of the Dacorum Borough Council Core Strategy 2006-2031 (the CS) states that small-scale development will be permitted in the Green Belt, including limited extensions to existing buildings. The Framework does not contain a definition of 'disproportionate additions', nor does the CS define 'limited extensions'. It is therefore a matter of planning judgment in each case whether a proposed development would be acceptable.
10. The appeal proposal would not alter the footprint of either the house or garage from that approved in 2018. The size and location of windows would be changed, rooflights would be added and first floor accommodation provided in both buildings, but these would be alterations that would not result in a larger building, and would therefore not harm the Green Belt.
11. The garage roof would be raised by 0.5 metres above its approved height. While the planning history has established that planning permission exists for

substantial additions to the property and this is a material consideration, the overall scale of development significantly increases the size of the original dwelling, and can no longer be considered limited extensions.

12. The addition of first-floor accommodation may result in a more intensive use of the site and could result in the parking of an increased number of vehicles or the proliferation of domestic paraphernalia. However, the nature of the use of the site would not change and a more intensive use of the site by a larger single dwelling would not result in harm to the Green Belt.
13. I therefore find that the development proposed would be inappropriate development in the Green Belt. It would conflict with policy CS5 of the CS and the requirements of the Framework.

Living conditions

14. The garage would be sited close to the boundary with 4 Highcroft Road, which itself comes close to the shared boundary. The garage would extend beyond the rear wall of No 4, with a part gable wall facing the shared boundary.
15. The garage would be 0.5 metres higher than previously approved as a result of the appeal proposal, which would be a modest change in the overall height of the development. I note that no objection has been received from the neighbour at No 4 to this development, and no objections were recorded relating to the extant permission.
16. Given these considerations, I am satisfied that the development proposed would not result in an unacceptable effect on the living conditions of neighbouring occupiers as a result of loss of sunlight and daylight. It would therefore accord with the requirements of CS Policy CS12, which amongst other things requires that new development avoid visual intrusion and loss of sunlight and daylight to the surrounding properties.

Other considerations

17. I have found that the appeal proposal would result in harm to the Green Belt as it would amount to a disproportionate addition over and above the size of the original building, and therefore would be inappropriate development.
18. My attention has been drawn to the planning history associated with the development. The most recent approval, application ref: 4/00640/18/FHA, essentially consolidated different approvals for extensions and a detached garage in a single application for which the Council granted planning permission in 2018, and as noted above this permission has been implemented.
19. The proposed raising of the height of the garage/maintenance building roof would be a very limited increase in the overall scale of development previously approved. The appeal proposal is not significantly different in terms of size and would not result in materially greater harm to the purposes of including land within the Green Belt. The fallback position of completing the approved extensions is a material consideration to which I attach substantial weight. Given the similarities, I find that this consideration clearly outweighs any harm to the Green Belt by inappropriateness in this instance.
20. I therefore find that very special circumstances do exist in this instance.

Conditions

21. I have had regard to the conditions suggested by the Council. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect national Planning Practice Guidance.
22. I have imposed the standard condition relating to the commencement of development as the appeal proposal differs from previous approvals. I have also added a condition confirming the approved plans, for the sake of certainty.
23. I consider it necessary to include a condition requiring approval of external materials to ensure that the appearance of the development is acceptable.
24. As the site is in the Green Belt I consider it is reasonable to remove certain Permitted Development Rights.
25. The appeal site is located within a risk zone associated with a landfill site. I have therefore imposed a condition relating to the detection of contaminated land.

Conclusion

26. For the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P1 [K5] Site Plan REV E, KP-1003-103-P01, KP-1003-102-P01, KP-1003-101-P01, KP-1003-100-P01, P2.1 [K5] Proposed Ground Floor Plan – Rev B, P3.1 [K5] Proposed Side Elevations [Rev A], P4.1 [K5] Proposed Front and rear Elevations – REV B, 2646/1 and P5 [K5] Roof Plan REV D
- 3) No further development shall take place above slab level until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order amending or re-enacting that Order with or without modification, no development falling within Schedule 2, Classes A, B or E of that Order shall be carried out without the prior written approval of the local planning authority.
- 5) No further development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 28 days of the report being completed and approved in writing by the local planning authority.