



Appeal Decision

Site visit made on 1 October 2020

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2020

Appeal Ref: APP/P1940/D/20/3250171

Lime Trees, Chenies Road, Chorleywood, WD3 5LY

- 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 Sukbir Singh Bains against the decision of Three Rivers District Council.
- The application Ref 20/0085/FUL, dated 15 January 2020, was refused by notice dated 30 March 2020.
- The development proposed is part demolition of existing dwelling and erection of two storey and single storey front, side and rear extensions and increase in ridge height to create two storey dwelling, alterations to fenestration detail and alterations to existing hardstanding.

Decision

1. The appeal is allowed, and planning permission is granted for part demolition of existing dwelling and erection of two storey and single storey front, side and rear extensions and increase in ridge height to create two storey dwelling, alterations to fenestration detail and alterations to existing hardstanding at Lime Trees, Chenies Road, Chorleywood, WD3 5LY in accordance with the terms of the application ref: 20/0085/FUL, dated 15 January 2020, subject to the following conditions:
 - 1) The development to which this permission relates shall be begun within a period of three years commencing on the date of this decision;
 - 2) The development hereby approved shall be carried out in accordance with the following approved plans: Location plan (ref: TQRQM20015104335497), Proposed Block Plan (dwg. No: B28053 – 402), Proposed Ground Floor Plan (dwg. No. B28053 – 104), Proposed First Floor Plan (dwg. No. B28053 – 105), Roof Plan (dwg. No. B28053 – 106), Proposed elevations (dwg. No. B28053 – 204) and Proposed elevations (dwg. No. B28053 – 203).
 - 3) No 'above-ground' building works shall proceed above damp-proof course level or equivalent until a schedule and samples of all bricks, tiles and other materials to be used in the external elevations have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Procedural Matters

2. I have utilised the description of the development as found on the Council's decision notice as it more concisely describes the development than that on the appellant's original application form.

Main Issues

3. The main issues are (i) whether the proposal would be inappropriate development in the Green Belt having had regard to the National Planning Policy Framework 2019 and any relevant development plan policies and ii) the impact of the proposal upon the neighbouring property, Little Hollow.

Reasons

Whether the proposal is inappropriate development in the Green Belt

4. The National Planning Policy Framework 2019 (the Framework) is clear that construction of new buildings in the Green Belt should be regarded as inappropriate. As an exception to this paragraph 145 c) states that extension or alteration of a building is not inappropriate development in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. This is reflected within the Council's Development Management Policies Local Development Document 2013 (LDD) which, in Policy DM2, states that cumulative extensions which are disproportionate in size to the original building will not be permitted.
5. The Council's Supplementary Planning Guidance No.3: 'Extensions to Dwellings in the Green Belt' (SPG) indicates that extensions resulting in a cumulative increase in floor space of up to 40% of the floor area of the original dwelling will normally be acceptable. Although this guidance relates to superseded policies, the LDD advises that it will be taken into account until it is incorporated into a future design supplementary planning guidance.
6. A cumulative increase over and above the original dwelling may be considered to be a disproportionate addition, however, increase in floor area is only one approach to assessing whether something is a disproportionate addition. It is also important to consider height, bulk and massing which would occur as a result of the proposal as well as the site history.
7. The appeal site is a two-storey detached dwelling which is set back substantially away from the road and is largely obscured from the streetscene by mature trees and vegetation. The existing extensions are stated to have increased the floor area by 33%. The demolition of part of the existing dwelling is stated to, overall, result in a cumulative increase of 20% in floor space from the original building. I do not, however, have before me a plan of the original dwelling's footprint, only the dwelling as it stands.
8. In considering height, width, bulk, design and massing the proposal already benefits from accommodation across two floors with the first-floor accommodation served by dormer windows. From my site visit I found that the existing property presents quite awkwardly in terms of its design (from previous extensions) in that it looks disjointed and spread out across the full width of the plot. The property as it stands presents as cramped within the plot.
9. The partial demolition and inclusion of a true two storey front opens up the areas to the side of the house with the overall increase in ridge height being around 0.9m. This combined with the alteration to the roof design, during the original application, I find to be a much-improved design consolidating the

accommodation rather than it being sprawled across the plot at a marginally lower height.

10. I do not find the proposed depth of the extensions to the rear would add significant bulk and massing. The extensions are acknowledged to wrap around the front and the side of the dwelling but I do not find this subsumes the original dwelling. The elevational drawings demonstrate that design features have taken into account the original dwelling and elements of the original dwelling are clearly visible in a comparison of the existing and proposed elevations. Overall I do not find the bulk, massing, height or design to present as a disproportionate addition to the original building.
11. The proposal would be consistent with LDD Policy DM2 which seeks avoid extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building and Core Strategy 2011 (CS) Policy CP11 which states a general presumption against inappropriate development that would not preserve the openness of the Green Belt.
12. The proposal would fall within the exception within paragraph 145 c) of the Framework which allows the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The proposal is therefore not inappropriate development and there is thus no need to consider the scheme's impact on openness.

Residential Amenity of Little Hollow

13. The neighbouring property, Little Hollow, is set significantly forward of the appeal site. The existing dwelling's first floor (dormer) windows are central to the appeal site. The proposed windows to the first floor would move windows at the appeal site both closer and higher towards Little Hollow.
14. Despite this I do not find the proposal would result in unacceptable overlooking. Due to the angle of the proposal, and the window in question, I find that any views into the rear amenity and patio space at Little Hollow would be very limited as a result of natural use of the window for bedroom 1 when combined with a boundary fence and existing trees on site.
15. I have no evidence before me to suggest that the proposal would result in unacceptable levels of both actual and perceived overlooking. Appendix 2 of the LDD requires, in the interests of privacy and to prevent overlooking, a proportion of each garden should be a private zone abutting the dwelling which is not visible from ground floor habitable rooms or gardens of adjoining properties. The proposal is consistent with this.
16. The proposal would be consistent with CS Policy CP12 which seeks to protect resident amenities and LDD Policy DM1 which requires all applications for residential development to satisfy the design criteria set out in appendix 2. The proposal is consistent with the design criteria in Appendix 2 of the LDD which requires developments to maintain acceptable standards of privacy for existing residential buildings.
17. It is not clear why the proposal is stated to be contrary to CS Policy CP1 which requires development to contribute to sustainability of the district. In my view, the proposal does not conflict with the overarching policy on sustainable development.

Conditions

18. The Council has not suggested any conditions but I note consultee and officer comments relating to suggested conditions within the delegated report.
19. A condition requiring the development to be in accordance with the approved plans is required in order to control and define the development which is granted consent. A time condition is attached to comply with section 51 of the Planning and Compulsory Purchase Act 2004. In order to ensure a satisfactory appearance, I have attached a condition requiring approval of the materials for the external elevations.

Conclusion

20. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR