



Appeal Decision

Site visit made on 6 October 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2020

Appeal Ref: APP/P1940/D/20/3251824

Midfield House, Nottingham Road, Heronsgate, Hertfordshire WD3 5DP

- 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 Adam Walker against the decision of Three Rivers District Council.
 - The application Ref 19/2471/FUL, dated 1 December 2019, was refused by notice dated 17 February 2020.
 - The development proposed is the erection of an attached garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an attached garage at Midfield House, Nottingham Road, Heronsgate, Hertfordshire WD3 5DP in accordance with the terms of the application, Ref 19/2471/FUL, dated 1 December 2019, subject to the following 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: EMA/2020/0021/0001, EMA/2020/0021/0003, EMA/2020/0021/0005, EMA/2020/0021/0006 and EMA/2020/0021/0007.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The measures to protect the retained trees, as detailed in the Tree Protection Plan and drawing EMA/2020/0021/0003, shall be implemented in accordance with methodology and timescales set out in the Tree Protection Plan document and shall be retained at all times during the construction process.

Main Issues

2. The main issues are whether the proposal would be inappropriate development in the Green Belt (including the effect on the openness of the Green Belt); and the effect of the development on the character and appearance of the area.

Reasons

Green Belt

3. Paragraph 133 of the National Planning Policy Framework (the Framework) outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework, at paragraphs 145 and 146, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.
4. Paragraph 145c) sets out that new buildings within the Green Belt are inappropriate unless any extension or alteration of a building is such that it does not result in disproportionate additions over and above the size of the original building.
5. Whilst the Framework does not indicate what a disproportionate addition may be, I note that this issue was considered in a previous appeal at the site¹. Whilst that proposal was for a detached garage, it is common ground that the current appeal proposal is broadly the same size as that in the previous appeal.
6. I also note that the Council have concluded that the proposal would not be inappropriate development in the Green Belt and given the evidence before me I concur with that assessment.
7. In considering the effect on openness, I have had regard to the Lea Valley Regional Park judgement². This sets out that, where development is considered to be not inappropriate in the Green Belt, such development is not to be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. Consequently, it is not necessary to assess the effect of the development on the openness of the Green Belt any further.
8. For the above reasons the development would not be inappropriate development in the Green Belt and would be consistent with Policy DM2 of the Three Rivers Local Plan Development Management Policies Local Development Document (2013) (DMP) and the aims and objectives of the Framework.

Character and appearance

9. The appeal site is located on the south side of Nottingham Road and consists of a detached dwelling set back from the road. The site is located within the Heronsgate Conservation Area (HCA) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the character or appearance of the Conservation Area. The HCA consists of large dwellings set in a rural setting with trees and hedgerows being an important feature of the landscape.
10. The previous appeal proposal was for a detached garage around 7.25 metres wide and set around 2 metres away from the existing dwelling. One of the key issues in the dismissal of that appeal was the encroachment of the garage across the site.

¹ Reference APP/P1940/D/19/3233619

² Lee Valley Regional Park Authority, R (on application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

11. From the evidence before me, the Council has already permitted³ a smaller garage extension which would be around 3.5 metres wide. That proposal has a very similar design to the current appeal proposal with the key difference being that the current proposal is for a wider garage (6.25 metres).
12. Whilst the current proposal would reduce the gap between the dwelling and its western boundary, there would still be a distance of around 5.8 metres should the appeal succeed. To my mind, this would allow for a reasonable gap to remain which would in turn maintain the sense of spaciousness.
13. Furthermore, the garage extension would be largely shielded from view by the existing office building towards the front of the site. As a result, the parts of the garage extension which would be visible would be seen as an integral part of the dwelling itself, especially given its roof design. Taking both of these factors into account, I consider that the proposal would preserve the character and appearance of the HCA and the area in general.
14. The Council have referred to Policy DM1 of the DMP in its reason for refusal. However, this policy does not appear to relate to extensions to residential properties and as such I can only give this very limited weight.
15. For the above reasons the proposal would not harm the character and appearance of the area, including the HCA, and would accord with Policies CP1 and CP12 of the Three Rivers Local Development Framework Core Strategy (2011) and Policy DM3 of the DMP which amongst other matters seek to ensure that development contributes to the sustainability of the District, and is of a high standard of design which has regard to the local context including conserving the character or appearance of Conservation Areas. It would also accord with the overarching aims of the Framework.

Conditions

16. The Council has provided a list of suggested conditions in their appeal questionnaire that it considers would be appropriate. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty.
17. In the interests of the character and appearance of the area conditions relating to tree protection measures and the external materials of the development are also necessary. However, I consider that it is not necessary for the exact details to be approved as a condition requiring materials to match the existing dwelling would achieve the required aim of preserving the appearance of the HCA.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR

³ Reference 19/1573/FUL dated 25 October 2019