
Appeal Decision

Site visit made on 6 October 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday, 26 October 2020

Appeal Ref: APP/J1915/W/20/3254399

Land at Dormers, Crouchfields, Chapmore End SG12 0NZ

- 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 V. Monawer against the decision of East Hertfordshire District Council.
 - The application Ref: 3/20/0716/FUL, dated 8 April 2020, was refused by notice dated 2 June 2020.
 - The development proposed is the erection of one new detached dwelling with a basement and four off-street car parking spaces.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council amended the description of the proposal from 'erection of new detached dwelling' to the 'erection of one new detached dwelling with a basement and four off-street car parking spaces'. The revised description has also been used by the appellant on the appeal form. I consider that the revised description represents a more succinct summary of the proposal and have therefore proceeded on this basis.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the development upon the character and appearance of the surrounding area;
 - the effect of the development upon flood risk;
 - the effect of the development upon trees;
 - the effect of the development upon ecology;
 - whether suitable living conditions would be provided for the future occupiers of the development, with particular regard to access for refuse collections; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by

other considerations, so as to amount to the very special circumstances necessary to justify the development

Reasons

Whether inappropriate development

4. The site is located within the Metropolitan Green Belt. The appeal site consists of an existing rear garden, with several trees close to the boundaries of the site.
5. The National Planning Policy Framework (the Framework) regards the erection of new buildings within the Green Belt as being inappropriate. There are some exceptions to this, however, the proposed development does not pertain to agricultural, forestry, outdoor sport or recreation activities. The development is not a replacement dwelling, nor is the evidence indicative of the proposed dwelling being made available for occupation on affordable tenures.
6. The proposal would be accessed from Crouchfield Lane, whilst the existing dwelling is accessed from The Dell. There are other dwellings in the surrounding area. Whilst this arrangement means that the proposal would not represent an isolated dwelling, I note that the surrounding dwellings are accessed from a variety of different roads. This means that there are limited connections between them. Furthermore, the immediate vicinity does not include some of the services that residents might require on a day-to-day basis.
7. In consequence, the surroundings of the appeal site cannot be appropriately described as a village.
8. Furthermore, the siting of the proposed dwelling is such that there would be a notable distance between this and other dwellings. The proposed building would also be surrounded by some landscaping. Therefore, whilst the proposed development would be near to other buildings, it would not represent a limited infill within a village. In consequence, the proposal represents an inappropriate development in the Green Belt.
9. In addition, the proposed development would be sited a reasonably large distance away from the existing dwellings. In consequence, it would be viewed as single dwelling surrounded by landscaping, rather than as part of a larger group of dwellings. Due to this, it would not represent an infilling between buildings.
10. Due to the resultant increase in built form arising from the proposed development and the fact that views would be possible into the site means that the proposal would result in an erosion of the open character of the surrounding area, in addition to a loss of the intrinsic sense of openness that exists within the surrounding area. For this reason, it would be contrary to the reasons for including land within the Green Belt.
11. I therefore conclude that the proposed development would represent an inappropriate development in the Green Belt. The development, in this regard, conflicts with Policy GBR1 of the East Herts District Plan (2018) (the District Plan). This policy, amongst other matters, seeks to ensure that planning applications within the Green Belt will be considered in line with the provisions of the Framework.

Character and appearance

12. The appeal site consists of an undeveloped area with trees adjacent to most boundaries. The proposed development would be sited near to an annexe. Dwellings in the surrounding area are constructed to different designs, although these generally feature pitched roofs and have consistently sized windows. Dwellings are also set back from roads by differing amounts.
13. Whilst there are dwellings in the surrounding area that feature different designs, a unifying trend is the traditional style of architecture present within the vicinity. Although the proposed development would have a limited height, it would be at variance with the prevailing character by reason of the significantly sized windows and the use of flat and mono-pitched roof sections. In consequence, the proposed development would appear incongruous.
14. The shape of the windows within the proposed development would also differ from those utilised on many of the surrounding area. This would exacerbate the differences in appearance between the proposed development and the existing dwellings. These factors, when combined, would contribute towards the creation of an incongruous form of development.
15. In addition, the proposed vehicular access would run from a service road that also serves as access to some other properties. These factors mean that the incongruous form of development has the potential to be experienced by a notable number of people, which would render the proposal strident.
16. This causes concern as the site is prominently located. In particular, a several dwellings in Crouchfield Lane would have views of the appeal site and some views of the development would be possible via the proposed vehicular access.
17. Although the site contains several trees, which would provide some screening, there are some gaps through which the increase in built form would be readily perceptible. In consequence, the presence of such trees does not enable me to disregard my previous concerns.
18. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, conflicts with Policies DES3 and DES4 of the District Plan. These, amongst other matters, seek to ensure that all development proposals must be of a high standard of design and layout to reflect and promote local distinctiveness; and where losses to landscaping are unavoidable, these should be justified by other material considerations.

Effect on flood risk

19. The appeal site is predominantly grassed and located on a gradient. Land in Crouchfield Lane is located on higher land than the appeal site.
20. The proposed dwelling, along with the driveway and parking spaces would result in an increase in the level of impermeable surfaces at the site. This causes a concern as this would result in a diminished ability for the site to absorb any surface water run-off. The presence of such a diminished ability to absorb such run-off has the potential to increase flood risk either on the appeal site, or elsewhere. This is particularly concerning given that there are other impermeable surfaces on higher ground than the site of the proposed dwelling.

21. It has been suggested that this issue can be overcome through the imposition of a planning condition to secure a Sustainable Urban Drainage System (SUDS). However, without certainty regarding the extent of surface water run-off, or the type of SUDS that would be necessary to manage this process, a condition cannot be drafted with sufficient precision. In consequence, such a condition would be unreasonable.
22. In addition, the SUDS is likely to require on-going maintenance in order to ensure that it is fully operational throughout the life of the development. Without certainty regarding the type of system, it is therefore not possible to establish whether such a system could be effectively maintained. In consequence, I do not believe that a condition covering maintenance can be reasonably imposed.
23. It appears that the Local Water Authority did not raise objections to the proposed development. Whilst this is a matter of note, it does not conclusively demonstrate that an appropriate SUDS can be installed at the property.
24. Therefore, in the absence of an assessment regarding the level of surface water run-off and the lack of appropriate conditions to overcome this means that I conclude that the proposed development would have an adverse effect on flood risk. The development, in this regard, conflicts with District Plan Policies WAT1 and WAT5. These, amongst other matters, seek to ensure that development should neither increase the likelihood or intensity of any form of flooding, nor increase the risk to people and that proposals will be required to preserve or enhance the water environment.

Effect on trees

25. The appeal site includes a number of trees that occupy a prominent position within the surrounding area and particularly when viewed from Crouchfield Lane. These trees therefore make a significant contribution to the definition of the area's character and some are protected by a Tree Preservation Order.
26. The proposed development would result in the removal of grassed areas from which the existing trees could potentially draw moisture. Furthermore, the proposed development would result in foundations being dug in areas that might feature root growth of the protected trees.
27. This causes concern as there is a notable likelihood that the development has the potential to significantly impinge upon the health of these trees.
28. It would appear that no objections were received to the planning application from the Council's Arboricultural Officer, however, this does not overcome the fact that development would be carried out in proximity to notable trees that define the character of the site and the surrounding area. Furthermore, I have been directed towards policies that seek to maintain the health of such trees.
29. Owing to the lack of certainty regarding the effects of the development of the development upon these trees and the extent of any root protection area it is not possible to impose conditions to overcome this matter.
30. I am aware that conditions could be imposed in respect of the installation and upkeep of new landscaping, however, this would not overcome the previously identified concerns as the development should seek to retain the protected trees.

31. I therefore conclude that the proposed development would have an adverse effect on protected trees. The development, in this regard, would conflict with DES3 and DES4 of the District Plan. These, amongst other matters, seek to ensure that new developments retain, protect and enhance existing landscape features and maximise opportunities for urban greening.

Effect on ecology

32. The appeal site is located close to open countryside, which includes fields and hedgerows. The appeal site, and particularly its boundaries, features trees and hedgerows.
33. The existing garden is relatively large. In result of the subdivision of the site to create the proposed dwelling and garden, the erection of the new dwelling and installation of driveway and vehicle parking has the potential to disrupt, or remove, some wildlife habitats. This would not be desirable as it would fail to promote improved ecology. This is also concerning as the surrounding area, by reason, of the various trees and hedges has the potential to support various items of ecology.
34. Whilst I am conscious that conditions could be imposed to secure mitigation or replacement habitats, without certainty regarding the type of species that might be affected by the proposed development it is not possible to draft a condition that would clearly specify the works that are necessary to be undertaken.
35. Such a condition would also lack sufficient precision regarding the timespan for appropriate installation and the required maintenance regime. In consequence, it would represent an unreasonable condition and would not overcome my previous concerns.
36. I therefore conclude that the proposed development would have an adverse effect upon ecology. The development, in this regard, would conflict with Policy NE3 of the District Plan. This, amongst other matters, seek to ensure that development should always seek to enhance biodiversity and to create opportunities for wildlife.

Living conditions

37. The proposed development would feature a driveway running from Crouchfield Lane and leading to the proposed dwelling, which would feature a hard surface treatment.
38. Owing to the siting of the proposed development, future residents would be required to carry refuse and materials for recycling to the highway edge for collection. I have not been directed towards a planning policy that specifically prescribes a maximum distance that should be travelled carrying such items.
39. Whilst the journey to the highway edge would be over a relatively lengthy route and would be on a gradient, such journeys would only need to be carried out on a relatively infrequent basis. Furthermore, had I been minded to allow this appeal, I could have imposed conditions ensuring that the driveway was suitably surfaced and provided prior to the first occupation of the development. This would result in easier movement of such items.

40. The result of this is that all the time the dwelling is occupied, residents would have use of a suitable surfaced driveway, including during periods of inclement weather. In consequence, such arrangements would overcome the inconvenience derived from the relatively lengthy distance.
41. I therefore conclude that the occupiers of the proposed development would experience appropriate living conditions. The development, in this particular regard, would be in conformity with Policy DES4 of the District Plan. This, amongst other matters, seeks to ensure that new developments make provision for the storage of bins and ancillary household equipment.

Other Matter

42. I acknowledge concerns raised by the appellant regarding the manner in which the Council considered the planning application. However, in assessing this appeal, I have limited my considerations to the planning matters before me.

Other Considerations and Planning Balance

43. Whilst I have concluded that the proposed development would provide appropriate living conditions for the future occupiers of the development, this is outweighed by the harm to trees, ecology, flood risk, the character and appearance of the surrounding area, and the Green Belt.
44. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition to the adverse impacts on openness, the Green Belt's purpose of safeguarding the countryside from encroachment has been eroded by the development. Substantial weight should be given to this harm. Very special circumstances will not exist unless the harm to the Green Belt and the other identified harm are clearly outweighed by other considerations.
45. The proposal would result in an increase in the local housing supply, however, the benefits of this are small given that the proposal would result in the creation of a single additional dwelling. Given that the proposal would contain a single household, any economic support of businesses and services within the area is also likely to be small. Accordingly, I give each of these matters limited weight.
46. As explained above, I give only limited weight to each of the considerations cited in support of the proposal and accordingly I do not find that these amount to the special circumstances necessary to justify the development.

Conclusion

47. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR