



Appeal Decision

Site visit made on 13 October 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 October 2020

Appeal Ref: APP/A1910/D/20/3248290

Hawkridge, Rucklers Lane, Kings Langley, Hertfordshire WD4 9NF

- 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 Mrs McLean against the decision of Dacorum Borough Council.
 - The application Ref 19/02620/FHA, dated 10 October 2019, was refused by notice dated 4 February 2020.
 - The development proposed is a carport adjacent to existing garage with terrace over and alterations to steps.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) whether the proposal is inappropriate development in the Green Belt;
 - (ii) the effect on the openness of the Green Belt;
 - (iii) the effect of the development on the character and appearance of the area; and
 - (iv) if the development 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 the development.

Reasons

Whether the proposal is inappropriate development in the 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. It is common ground between the main parties that the bungalow has been extended over the years, including an enlarged patio.
6. The Appellant has not advanced a case that the carport is an extension to the main house, but an extension to the garage and has cited Policy CS5 of the Dacorum Borough Core Strategy 2006-2031 (2013) (CS) which states that within the Green Belt, small scale development will be permitted. However, this is also quantified that it should be limited extensions to existing buildings. Furthermore, Policy CS5 starts by saying that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt.
7. In this context, I note that the proposed carport would have a similar footprint size to that of the existing garage, and as such would represent a significant addition rather than a limited extension. Whilst the footprint of the extension to the garage is not the only factor to consider, in this case, it is the most important one.
8. In addition to the above, the proposal also includes an extended patio to the roof of the carport. However, it is also significant that the existing patio is much extended. In that sense, the cumulative amount of patio extension cannot be considered to be a limited extension either.
9. Taking these factors into consideration, I therefore conclude that the carport would be inappropriate development in the Green Belt as it would not accord with any of the exemptions outlined at paragraphs 145 or 146 of the Framework. It would also be contrary to Policy CS5 of the CS which amongst other matters seeks to resist inappropriate development.

Effect on the openness of the Green Belt

10. One of the five purposes of a Green Belt, outlined at paragraph 134 of the Framework, is that it should assist in safeguarding the countryside from encroachment.
11. The proposal would introduce a further element of built form to the site albeit that it would not be an entirely enclosed structure as it would be open to the front and partially to its eastern side.
12. Notwithstanding that, it would nevertheless introduce an additional amount of built form to the site. Whilst this would be set in the context of the differing land levels and the dwelling itself, the increase in built form would result in a loss of Green Belt openness. Whilst such a loss of openness is not significant, it nevertheless has a negative perceptible impact.
13. I therefore conclude that the development would lead to a loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework and Policy CS5 of the CS which amongst other matters seek to protect the openness of the Green Belt.

Character and appearance

14. The appeal site is located on the corner of Rucklers Lane and Lady Meadow. The appeal bungalow is elevated from Rucklers Lane, as is the existing garage to the property frontage. However, as I saw at my site visit, there are clear views of the garage from the road.

15. The carport would be largely located to the side of the garage which has a hipped roof. However, it would also come forward of the front wall of the garage. This, together with the railings on top of its roof to form the roof terrace, would result in a proposal which would appear overly prominent when viewed from the road. This prominence is exacerbated by the elevated nature of the site.
16. In coming to that view, I acknowledge that the existing raised patio provides a similar appearance to the appeal proposals roof terrace. However, it is the bringing forward of this terrace and the resultant increase in its prominence which results in the harm to the setting of the host dwelling and the character and appearance of the area.
17. The Council have set out that they considered that the dwelling is a non-designated heritage asset. From the evidence before me, the bungalow was built post World War II with the Appellant identifying extension plans from around 1960. However, just because the property was built in such an era does not prevent it from being a non-designated heritage asset.
18. That said, the property has clearly been altered and extended since it was built and the proposal could be seen as part of the evolution of the property. Whilst I have found some harm in respect of the effect of the development on the host property, I consider that the fact that the property is a non-designated heritage asset is not a determinative factor in this case. Nevertheless, it does add some limited weight to my findings.
19. I have also had regard to the fact that planning permission was previously granted for a similar development in 2002. However, as noted by the Council, this was for a smaller carport which did not come forward of the front wall of the adjacent garage.
20. For the above reasons, the carport would harm the character and appearance of the host property and the wider area and would conflict with Policies CS5, CS11, CS12 and CS27 of the CS which amongst other matters seek to ensure that development preserves attractive streetscapes and integrates with the streetscape character, together with the protection of the integrity and setting of undesignated heritage assets. It would also be in conflict with the overarching design aims of the Framework.

Other matters

21. The Appellant has set out two possible fallback positions, the first one being the implementation of the carport which was granted permission in 2002¹ by the Council prior to the enlargement of the patio area.
22. However, whilst it is common ground that this permission has been implemented, since that time the raised patio at the property frontage has also been extended following the grant of planning permission². This permission includes a condition (condition 4) which states that the patio permission is an alternative to planning permission 4/02129/02/FHA and that the car port and roof terrace shall not be constructed. The reason given for this condition is to safeguard and maintain the openness of the Green Belt. With that in mind, I

¹ Reference 4/02129/02/FHA dated 17 December 2002 which also included a porch and single storey front and rear extensions

² Reference 4/01142/08/RET dated 21 July 2008

- am not convinced that the carport from permission 4/02129/02/FHA represents a fall-back position.
23. Notwithstanding that, from my site visit, it appears that the enlarged patio has a greater depth than that shown on the approved plans. This is particularly evident when one compares the position and shape of the carport between the plans associated with the patio permission (which also shows the carport from the earlier permission) and those of the appeal proposal.
 24. Therefore, if I am correct on that matter, it would appear that permission 4/01142/08/RET has not been implemented (and what has been built on site is a different development). The net result of this would be that condition 4 of that permission is not relevant. That said, the principles behind that condition are still very relevant today.
 25. In addition to the above, given the construction of the raised patio it would appear that it would not be possible to construct the car-port from permission 4/02129/02/FHA as there has been a material change in the circumstances of the land and structures in the actual position of the carport itself.
 26. Taking all of the above into account, and on the basis of the information before me, I consider that fallback position one does not exist. Even if such a fallback position did exist, as the Council have pointed out, this would involve a smaller development to the one before me and this also limits the amount of weight I can give to it.
 27. In respect of fallback option two, this would be a permitted development building from a new access from Lady Meadow. However, it would also involve the loss of one of the existing outbuildings and as such the effect of such a proposal on the openness of the Green Belt would be significantly reduced.
 28. Therefore, whilst this is clearly a material planning consideration, I consider that this fallback option can only be given very limited weight in favour of the appeal proposal.
 29. I have also taken into account other properties in the area and their respective garages including that at Belview to the west of the appeal site. I have also considered that the carport would partially shield parked vehicles from views from the roadside and that the existing garage could be considered to be on the small side to accommodate larger modern day cars. Whilst all of these factors weigh in favour of the proposal, they provide only very minor benefits.
 30. The Appellant has also advanced other circumstances which could be considered to be very special circumstances. These include that in the event of planning permission being granted permitted development rights from Class E of Part 1 of the Second Schedule of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) could be removed. However, I consider that this would only provide limited benefits given the areas where such future development might be accommodated.
 31. Additionally, it is advanced that the siting and form of the proposal, including that it is in the middle of an existing development, together with the topography of the land with the raised patio and house reduces the impact of the proposal on openness. It is also suggested that the landscaping on the site further helps reduce its impact. I acknowledge that each of these could contribute towards being very special circumstances.

Green Belt balance

32. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have also found that there would be an adverse impact on the openness of the Green Belt and to the character and appearance of the area. Therefore, substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
33. Taking into account all of the other matters raised, it is clear that the carport would have some very small-scale benefits in that it would partially shield parked vehicles. The siting and form of the development also contribute to the fact that the level of harm to openness cannot be considered to be significant. I am also mindful of the fallback options, albeit that these only provide very limited weight in favour of the proposal in the overall balance.
34. In considering the substantial weight given to the Green Belt, to my mind, the benefits outlined above do not clearly outweigh the harm to the Green Belt. Therefore, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal would conflict with the Framework and Policy CS5 of the CS.

Conclusion

35. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR