

Appeal Decision

Site visit made on 5 January 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2021

Appeal Ref: APP/J1915/W/20/3258123

93 Aston End Road, Aston, Stevenage, Hertfordshire SG2 7EY

- 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 Steven Hodge against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0862/HH, dated 27 April 2020, was refused by notice dated 2 July 2020.
 - The development proposed is demolition of existing outbuildings, relocation of existing swimming pool, erection of an outbuilding with spa facilities, office, garage and guest bedroom.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above is taken from the planning application form. At Part E of the appeal form, it is stated that the description of development has not changed, but a different wording has nevertheless been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The appeal site is within the Green Belt. Accordingly, the main issues are:
 - i) whether or not the proposal would be inappropriate development in the Green Belt;
 - ii) the effect of the proposal on the openness of the Green Belt;
 - iii) whether or not the outbuilding would have an acceptable relationship with the existing dwelling on the appeal site; and
 - iv) if the development would be 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 in the Green Belt

4. The appeal site is part of a loose ribbon of buildings which run along one side of this part of Astons End Road. The typically large plots provide for generous spacing around the buildings, and together with the open fields and woodland

which predominantly make up the immediately surrounding landscape, this results in a distinctly open character to the area.

5. Within the Green Belt, policy GBR1 of the East Herts District Plan 2018 (EHDP) outlines that applications will be considered in line with the provisions of the National Planning Policy Framework (the Framework). The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is inappropriate in the Green Belt, although specified exceptions include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
6. As part of the proposal, 3 outbuildings would be removed. There is no dispute between the main parties that the proposed outbuilding would be in the same use as these, and I see no reason to reach an alternative view. It would in part occupy the area of 'Outbuilding C'. However, 'Outbuilding A' and 'Outbuilding B' which are also to be removed are some way to the rear, separated by a swimming pool, and the Council has highlighted that the exception within the Framework refers to the 'replacement of a building' in the singular. The proposed outbuilding would have a significantly greater volume than that of Outbuilding C as well as a much greater height, and I find it would be clearly materially larger than this building.
7. Be that as it may, I note that the parties suggest that the development would have a volume around 8% less than the combined total for the 3 outbuildings that are indicated to be removed, and the appellant also refers to a reduction of around 38% in the total footprint. Although these do not appear to take into account a structure that I observed beyond the rear of 'Outbuilding A' at my visit, this structure is not highlighted within the submitted proposal to be removed as part of the development.
8. However, footprint and volume are not the only measures that may be relevant to considering whether a building is materially larger, and the Council points to an increase in floorspace on the site of around 5%. In addition, while the existing outbuildings which are to be removed are single storey structures with fairly modest, low roof forms, the proposed outbuilding would be of greater height with first-floor level accommodation and a pitched roof form and gable feature which would add significant bulk and mass. Notwithstanding reductions in volume and footprint, I find that the additional height and upper bulk of the development would be significant so as to result in a building that is, on balance, materially larger than the existing outbuildings, even if I were to consider these collectively.
9. Accordingly, I conclude that the proposal would comprise inappropriate development as defined by the Framework. As a consequence, it would be harmful to the Green Belt, and contrary to Policy GBR1 of the EHDP.

Openness

10. Notwithstanding the reduction in the volume and footprint of development on the site, there is also a visual aspect to the openness of the Green Belt. As existing, the spacing present between the outbuildings helps to break up their overall mass, reducing their visual impact. In addition, I observed that the height and position of Outbuildings A and B in relation to the access to the

appeal site mean that they are largely obscured from public views from Aston End Road by Outbuilding C.

11. In contrast, the proposal would focus development close to the site frontage. Despite some screening by vegetation, the building would be readily apparent in public views from both Aston End Road and from the elevated section of the public footpath opposite the site, particularly given its increased height above the closest boundaries. I find that the consolidation of built form within a single building, together with the greater bulk and mass of development and provision of higher level built form in this more prominent position would increase the visual impact of development on the openness of the Green Belt.
12. The impact would be fairly modest given the scale of the building, but the proposal would nevertheless cause some harm to the openness of the Green Belt. This would be contrary to the Framework which emphasises that openness is one of the essential characteristics of Green Belts.

Relationship to the Existing Dwelling

13. In addition to a garage and pool house/garden room/gym, the outbuilding would include a guest bedroom, bathroom, office and kitchen which the appellant advises would be used ancillary to the main dwelling on the site. Policy HOU13 of the EHDP sets out criteria applicable to residential annexes. These include that separate outbuildings for such use should be close to and well related to and have a clear functional link to the main dwelling; and that the scale of the annexe is the minimum level of accommodation required to support the needs of the occupant.
14. The outbuilding would be set apart from the main dwelling on the site across a fairly sizable driveway. However, the distance would not be excessive and in view of the large overall size of the site I consider that it would be reasonably close to the host dwelling. Nevertheless, while a path is shown between the outbuilding and dwelling, the outbuilding would be set close to the entrance to the site from Aston End Road and would not depend on this path for access. It would also include facilities necessary for independent living with rooms of generous size which would limit reliance on the main dwelling. Moreover, there is no firm evidence before me that the accommodation within the outbuilding is the minimum level to support needs as required by EHDP Policy HOU13. Accordingly, while I accept that the uses could potentially be of benefit to the occupiers of 93 Aston End Road, it is not evident whether and to what extent the dwelling would depend on the accommodation. In this context, I am not satisfied that there would be a clear functional link between the outbuilding and the main dwelling
15. The appellant has drawn my attention to appeals allowing residential annexes at Cheynes House, Cottered and Home Farm Cottages, Stanstead Abbots. The Cheynes House appeal was determined prior to the adoption of the EHDP, and I do not know how the policies that it was considered against relate to those within the EHDP which are relevant to this appeal. Moreover, both appeals concern proposals for the conversion of existing buildings and from the very limited details provided I cannot be sure that they reflect the particular circumstances of this case. I have not therefore attached significant weight to these decisions, and I have considered the appeal proposal on its own merits.

16. In the absence of information to demonstrate that the accommodation is the minimum required and a functional link between the outbuilding and host dwelling, I conclude that the proposal would conflict with Policy HOU13 of the EHDP, and the outbuilding would not have an acceptable relationship with the existing dwelling.

Other Considerations

17. In support of the proposal, I am sympathetic to the appellant's desire for the accommodation proposed. However, I have little information to show the actual scope or extent of any benefits including through supporting working from home or providing accommodation for visiting relatives, or that the appeal proposal would be the only means by which any needs may be reasonably met. This limits the weight that I can afford to this factor. I also have no firm information that an improved relationship between the swimming pool and summerhouse referred to by the appellant could not be realised in the absence of the appeal proposal.
18. The appearance of the outbuilding would be generally sympathetic to the host dwelling and area, but the development to be replaced is unobtrusive and does not detract to any notable degree from the character or appearance of its surroundings. I am not therefore persuaded that the proposal would result in significant enhancement over the existing site circumstances and the weight that I afford this factor is accordingly limited.

Planning Balance and Conclusion

19. Drawing matters together, the proposal would cause harm to the Green Belt by virtue of inappropriateness and harm to openness. In accordance with the Framework, I give this harm substantial weight. The relationship of the outbuilding with the host dwelling would additionally be unsatisfactory. The Framework advises that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
20. I find that the other considerations, either individually or collectively, do not in this case clearly outweigh the harm that I have identified so as to amount to the very special circumstances necessary to justify the development in the Green Belt. The development would therefore conflict with the Framework. It would also conflict with Policy GBR1, and with Policy HOU13, and material considerations would not outweigh the conflict with the development plan.
21. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR