
Appeal Decision

Site visit made on 2 June 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 25 June 2021

Appeal Ref: APP/A1910/W/21/3268444

Honeysuckle Barn, Birch Lane, Flaunden HP3 0PT

- 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 Flaunden Construction Ltd against the decision of Dacorum Borough Council.
 - The application Ref: 20/03345/FUL, dated 30 October 2020, was refused by notice dated 23 December 2020.
 - The development proposed is a proposed residential infill development on land adjacent the Honeysuckle Barn.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal site is located in the Green Belt. The National Planning Policy Framework (the Framework) regards the erection of new buildings in the Green Belt as generally being inappropriate. There are some exceptions to this, which are listed in Paragraph 145 of the Framework. From the evidence before me, the proposed development would appear to be a limited infill in a village. In consequence, the proposed development would not erode the openness of the Green Belt, or conflict with the purposes of land within it.
3. In consequence, the main issues are:
 - The effect of the development upon the character and appearance of the surrounding area; and
 - The effect of the development upon the character and appearance of the Conservation Area (the CA).

Reasons

Character and appearance

4. The appeal site consists of a currently undeveloped area located adjacent to stables and a residential dwelling. The site is next to a chapel building. The appeal site is located on the periphery of the village of Flaunden, which contains several dwellings arranged in a linear form and constructed to traditional forms of architecture. In addition, there are several gaps between buildings. Cumulatively, these measures ensure that the settlement harmonises with its rural surroundings.

5. The appeal proposal would contain two dwellings that would be constructed of large proportions. In particular, the development features large projecting gables and a significant height that would conflict with the more traditional forms of architecture that are a feature of the immediate vicinity.
6. In addition, the proposal features detached garages. Therefore, in conjunction with the proposed dwellings, there would be a relatively long built frontage. This means that the more open character of the surrounding area would be eroded due to the increase in built form and that the character of gaps between buildings with views of the countryside beyond would be eroded.
7. Whilst some space would be retained to the sides of the proposed dwellings, the would be of limited proportions and would therefore not overcome this adverse effect
8. The prevailing form of development within the immediate environs of the appeal site consists of buildings constructed from limited proportions that are complimentary towards the natural environment. The proposed development would have much greater proportions which would render the proposed dwellings incongruous.
9. In addition, the proposed development would be prominent due to its positioning adjacent to the road. This means that the increase in built form would be readily apparent from the highway. Whilst the appeal site features a hedge adjacent to the front boundary, this would not offer a significant screening effect owing to the height of both dwellings and garages being greater than the height of the hedge.
10. Furthermore, the screening effect offered by the hedge may vary depending on season and health. In consequence, this would not provide certainty that the visual effects of the development could be mitigated on a permanent basis.
11. Although the proposed development could be constructed from materials of a similar type to the existing developments, which could be secured by a suitably worded planning condition. However, this would not overcome the adverse effects arising from the form of the proposed development.
12. 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, would conflict with the requirements of Policy CS12 of the Dacorum Core Strategy (2013) (the Core Strategy). Amongst other matters, this seeks to ensure that integrate with the streetscape character.

Character and appearance of the Conservation Area

13. The appeal site is located in the Conservation Area (the CA). For the purposes of this appeal, the significance of the CA is derived, in part, from the presence of traditionally designed buildings with open areas surrounding them.
14. In particular, the appeal site is near to the Old Chapel. This building appears to have been historically spatially divorced from the main part of the settlement of Flaunden. This lack of development, combined with the more modest proportions of the chapel building, means that its setting contributes to its significance.

15. Although it would appear that the usage of the appeal site has varied over time, the evidence before me indicates that it has not previously developed for housing and that any activities carried out on site are complimentary to the more rural surroundings of the village.
16. In result, the erection of two new detached dwellings, including garages, would mean that the surroundings of the Chapel would appear to have a more developed and built up character. This would therefore erode the generally open character that surround existing buildings in Flaunden, including the Old Chapel. This gap is not identified in any CA appraisal, or subject to a formal designation. However, this space is a prominent and significant part of the CA.
17. Whilst landscaping could be installed, this would not fully mitigate the adverse effects of the development. In addition, such landscaping would take some time to become established and may vary depending on health and season. In result, the adverse effects of the development would remain readily apparent.
18. I acknowledge that the appellant has revised the proposed development in order to reduce the number of dwellings on the site. Whilst this is a matter of note, it does not overcome my previous concerns.
19. My attention has been drawn to Policy 119 of the Dacorum Borough Local Plan (2004). However, as the nearest listed buildings are some distance away from the appeal site, I have not been able to identify a breach of this policy. However, this does not overcome my previous concerns.
20. In result, the traditional character of the surrounding area would be eroded, as well as the historical significance of the Old Chapel. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the CA. The development, in this regard, would conflict with Policies CS12 and CS27 of the Core Strategy. Amongst other matters, these seek to ensure that new developments respect adjoining properties in terms of layout; and conserve heritage assets.

Other Matters

21. I am aware of other dwellings that have been constructed in the vicinity of the appeal site. Nonetheless, I note that these dwellings are constructive to very different designs to the appeal scheme and, in one case, set back from the highway by a much greater distance. Therefore, these do not have the same adverse effects as the appeal scheme would have and, in result, do not outweigh my previous conclusions.
22. My attention has been drawn to a number of other planning decisions. I do not have full information regarding their planning circumstances, which lessens the weight that I can attribute to them. Furthermore, I note that these are located in different locations, with contrasting characters and contexts. Therefore, they are not directly applicable to the scheme before me. Therefore, these do not offset the previous concerns.

Planning Balance and Conclusion

23. The evidence before me indicates that the Council cannot currently demonstrate a five-year housing land supply. In consequence, the provision of paragraph 11(d) of the Framework applies. In summary, this states that

- planning permission should be granted unless the benefits are significantly and demonstrably outweighed.
24. Whilst the proposed development would make a contribution to the area's housing supply. The benefits are limited due to the scale of the development. Any economic benefits arising from the construction process are likely to be relatively small-scale and time limited in effect. Furthermore, any support of local businesses and services by the occupiers of the development is also likely to be relatively small-scale.
 25. Although the development would require a Community Infrastructure Levy payment and that residents would pay Council Tax, such benefits are relatively small given the scale of the development.
 26. This means that the benefits to the housing supply are outweighed by the significant harm arising from the adverse effects to the character and appearance of the surrounding area and to the CA. Therefore, the benefits of the proposal are significantly and demonstrably outweighed.
 27. The harm that would occur to the character and appearance of the CA would not be severe and therefore it would be 'less than substantial' within the meaning of the Framework. Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the proposal.
 28. The proposed development would result in an increased local housing supply; would generate some economic benefits arising from the construction process; and the residents of the dwelling would support local services. However, such benefits by reason of the size of the development would be small scale, limited in impact and, in some cases, of time limited duration. In consequence, I can give only these benefits a limited amount of weight.
 29. Therefore, when giving significant importance and weight to the special attention I must pay to the desirability of preserving or enhancing the character or appearance of the CA, I find that the harm that would arise from the proposal would not be outweighed by its limited public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to designated heritage assets would not have clear and convincing justification.
 30. The proposed development would harm the character and appearance of the surrounding area and the character and appearance of the CA. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed

Benjamin Clarke

INSPECTOR