
Appeal Decision

Site Visit made on 3 August 2021

by Scott Britnell MSc FdA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2021

Appeal Ref: APP/A1910/D/21/3273077

The Moorings, 102 Scatterdells Lane, Chipperfield WD4 9EZ

- 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 & Mrs Sweeney against the decision of Dacorum Borough Council.
 - The application Ref 21/00228/FHA, dated 20 January 2021, was refused by notice dated 17 March 2021.
 - The development proposed is detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the submission of the appeal, the Government published the National Planning Policy Framework 2021 (the Framework). I sought comments from the main parties with regards to this matter and have taken any responses into account in making my decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant policies of the Development Plan;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area; and,
 - If the proposal is inappropriate development, 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 required to justify it.

Reasons

Whether Inappropriate Development

4. Policy CS5 of the Core Strategy 2006-2031 (September 2013) (CS) states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. The policy provides a list of small scale development which it

states will be permitted within the Green Belt, including limited extensions to existing buildings.

5. Paragraph 149 of the Framework makes it clear that new buildings in the Green Belt should be regarded as inappropriate, with a limited number of exceptions. This includes at paragraph 149 c), the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. The appellant states that the proposed garage would be positioned 6 metres forward of the dwelling, while the Council suggest that this distance would be 6.2 metres. In either case, it would be physically and visually separated from the host dwelling. Given the level of that separation, I consider that the proposed garage cannot be considered an extension to the dwelling. Therefore, for the purposes of Green Belt policy, it would constitute a new building.
7. In reaching this conclusion, I note the appellant's comments with regard to the case of *Sevenoaks District Council v Secretary of State for the Environment and Dawe* (1997). While taking account of the issues raised, I do not consider that the proposal before me would constitute an extension to the host dwelling for the reasons that I have set out above.
8. I conclude that the proposal would constitute a new building and would comprise inappropriate development in the Green Belt. Accordingly, the proposal would conflict with CS Policy C5 and the Framework. As I do not consider that any of the other exceptions of the Framework apply to the proposal, it represents inappropriate development that is, by definition, harmful to the Green Belt¹.

Openness

9. Paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
10. As a result of its size, including a footprint of 6 metres by 7 metres, and height, and by virtue of introducing additional built form into the locality, the proposed garage would impact upon the spatial and visual openness of the Green Belt to a greater degree than existing development at the appeal site. Although the impacts would be localised, the sense of openness, an essential characteristic of the Green Belt, would be harmed.
11. As a result of the above harm, the proposal would conflict with CS Policy CS5 which, amongst other things, seeks to protect the openness of the Green Belt.

Character and Appearance

12. Scatterdells Lane is a long narrow road with dwellings of various size, form, design and materials on either side. While located forward of the host dwelling, the proposed garage would be screened along the front and (east) side boundaries by existing vegetation. It would however be visible when approaching the appeal site from the west or in the event that the vegetation along the front boundary was to be removed. However, I observed a number of

¹ Paragraph 147 of the Framework.

outbuildings in the front gardens of properties along this stretch of Scatterdells Lane. These vary in size, and while I do not have the full details of all of these buildings before me, they nevertheless contribute to the character and appearance of the area. Given this context, the proposed garage would not appear as an incongruous addition to the area, whether or not the vegetation is retained.

13. The proposed garage would also serve a clearly ancillary function to the host dwelling. Further, although it would be a sizeable building, it would not compete visually with the host dwelling given the proposed level of separation between the two buildings.
14. I note the Council's comment that there is no Arboricultural Impact Assessment to show the extent to which the construction of the proposed garage would impact upon the existing trees that form part of the vegetation along the front boundary. However, the Council confirm that the trees are not subject to a Tree Preservation Order and that there is nothing preventing the removal of the trees or hedges without planning permission. Further, the proposed plans show the vegetation to both the front and side boundaries would be retained and I have, in any case, found that the proposal would be acceptable even in the event that the vegetation were removed.
15. The proposal would not therefore cause harm to the character and appearance of the area. It would accord with CS Policy CS12, which seeks, amongst other things, to ensure that development integrates with the streetscape character.

Other Considerations

16. The Framework makes it clear at Paragraph 148 that substantial weight is given to any harm to the Green Belt. In this case, such harm would relate to the harm by reason of inappropriateness, and the reduction in openness. It establishes that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
17. The appellant has referred me to the planning permission granted by the Council for a detached garage at 90 Scatterdells Road². I note that the Council considered the garage under that application to constitute a domestic adjunct and assessed it as an extension to the host dwelling. While I note the similarities between that application and the current appeal proposal, I have found that the proposed garage before me would not constitute an extension to the host dwelling for the reasons that I have set out. The presence of the planning permission relating to 90 Scatterdells Road does not lead me to change my view on that matter.
18. I have also been referred by the appellant to the planning permission granted by the Council for the demolition of an existing dwelling and replacement with a six-bedroom dwelling at 47 Scatterdells Lane³. I have been provided with a copy of the Council's decision notice and a drawing that shows a detached garage. I do not have the full details of the planning permission before me so cannot be sure how the Council reached its decision. Moreover, the garage is clearly part of a larger scheme and so is not directly comparable to the appeal proposal. I therefore attribute little weight to this matter.

² 20/00879/HA.

³ 21/00209/FUL.

19. The appellant indicates that the General Permitted Development Order (GPDO) allows for sizeable outbuildings in the Green Belt and that an outbuilding twice the footprint of the proposed garage could be built in the rear garden of the appeal site. Notwithstanding what may be permissible under the GPDO, the proposal before me requires planning permission and I have assessed it accordingly. Further, there are no alternative proposals before me to consider. As such, the suggestion that a larger building could be constructed in the rear garden is not a compelling fall-back position and as such I afford these matters limited weight.
20. The appellant expresses concern with the Council's assessment of the planning application. They suggest that the reason for refusal appears to have been copied from another decision. Further, the Council's Officer Report does not refer to the planning permission granted at 90 Scatterdells Road, despite the appellant's agent drawing the Council's Case Officer's attention to it. While I note the appellant's comments in respect of these matters, they are not determinative matters in this appeal.
21. I also note the appellant's comments that many Councils have specific policies within their local plans which stipulate that residential outbuildings would be acceptable in the Green Belt. However, I have not been provided with a copy of any other local plan policies and, in any case, I must assess the proposal before me with regard to the relevant development plan for the area.

Planning Balance and Conclusion

22. The proposal would not harm the character and appearance of the area. The absence of harm in respect of this matter is, however, a neutral factor.
23. Substantial weight must be given to the harm to the Green Belt by reason of the inappropriateness of the proposal, and how it would reduce its openness.
24. I find that the other considerations in this case, taken together, do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would conflict with the development plan and the Framework, and there are no material considerations in this case that indicate a decision other than in accordance with the development plan. The appeal should therefore be dismissed.

Scott Britnell

INSPECTOR