



Appeal Decision

Site Visit made on 24 August 2021

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 21st September 2021

Appeal Ref: APP/P1940/W/21/3274413

The Four Winds, London Road, Rickmansworth WD3 1JT

- 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 Agrawal against the decision of Three Rivers District Council.
- The application Ref 21/0125/FUL, dated 20 January 2021, was refused by notice dated 22 March 2021.
- The development proposed is construction of new dwelling with associated landscaping.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I acknowledge the discrepancies regarding the drawing numbers stated on the decision notice. From the wider evidence, I am satisfied that the drawings before me were those assessed by the Council when it determined the application and I have considered the appeal on this basis.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (Framework) and any relevant development plan policies;
 - the effect on the openness of the Green Belt; and
 - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

4. New buildings in the Green Belt are inappropriate development unless they fall in one or more of the exceptions given in para 149 of the Framework, one of which is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
5. The proposal includes the demolition of an existing dwelling and the erection of a two storey dwelling with accommodation in the roof space. The proposed dwelling would have a significantly greater depth at first and second floor compared with the existing building while the overall width would be slightly

larger. The pitched roof of the existing building extends roughly to a short distance above the ground floor at the front elevation with a number of dormer windows and a gable projection.

6. However, the eaves of the proposed building would sit a short distance above the first-floor windows resulting in a much greater volume at first floor. Accordingly, while I acknowledge that the existing building has a full first floor with eaves level above the windows on the rear elevation and that the ridge of the proposed building would be slightly higher than existing, the massing of the proposed building would appear significantly greater.
7. Moreover, it is common ground that the floor space would be increased by around 60%. As such, while I acknowledge the siting of the building on the site, the proposal would be and would appear to be materially bigger than the one it replaces and this effect would be clearly visible from the street.
8. Consequently, the proposed development would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies.

Openness

9. The existing building is set on a generous plot with open golf course to the rear. As such the site has a spacious open character and the lack of buildings to the rear is apparent from the street. Therefore, notwithstanding the reduction in massing compared to a previous scheme which was dismissed at appeal, given the increase in massing of the scheme, the proposal would reduce the spatial and visual openness of the Green Belt.
10. While I note the size of the dwellings on the plots adjacent to the site and along London Road and the set back of the building, the existing building and spacious plot nevertheless provides an open aspect to the area which would be diminished by the proposal.
11. I note that Policy DM2 of the Development Management Policies Local Development Document adopted July 2013 (DMP) permits replacement dwellings in the Metropolitan Green Belt where the replacement does not materially exceed the size of the original dwelling, whereas the Framework provides the exception of the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. In any event, since the proposal would harm the openness of the Green Belt, it would conflict with this Policy.
12. Consequently, the proposal would harm the openness of the Green Belt. Therefore, it would conflict with Policy CP11 of the Core Strategy adopted October 2011 (CS) and DMP Policy DM2 which together resist inappropriate development in the Green Belt that would not preserve its openness. It would also conflict with the Framework in this respect.

Other considerations

13. The appellant has drawn my attention to a number of nearby properties which have been subject to extensive alterations and extensions since their original construction.

14. The dwelling at Vermont replaces a previous building and appears to be larger. Winchmorton and Emoyeni have been altered and extended since their original construction. While these dwellings appear to have been significantly enlarged, the details regarding those planning decisions including whether very special circumstances existed, are not before me to enable a direct comparison to be made with this appeal.
15. Emoyeni, East Glade and The Farm House appear to have benefitted from previous planning permissions which were a consideration for the subsequent decisions by the Council. As such, they are not directly comparable with this appeal. In any event, each case must be determined on its individual merits.
16. I note the evidence regarding housing land supply. I also note the environmental credentials of the proposed building and the contribution of future occupiers to local services. However, while the proposal would replace a dwelling that is in need of some repair, it would not contribute additional dwellings to the housing supply. Although the appellant has indicated that the scheme would be self-build, there are no mechanisms before me to secure this. As such I attribute limited weight to these points in favour of the scheme.
17. I also note concerns regarding the service provided by the Council. However, I have assessed this appeal based on its planning merits and this point has not altered my overall decision.

Conclusion

18. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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 and any other harm are clearly outweighed by other considerations. Given the limited weight attached to the evidence regarding nearby developments and housing supply, the substantial weight to be given to Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances.
19. For the reasons given above, the proposal conflicts with the development plan and in the absence of any material considerations to indicate otherwise the appeal should be dismissed.

R Sabu

INSPECTOR