



Appeal Decision

Site visit made on 30 November 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/A1910/D/21/3276969

Cloverleaf, Chapel Croft, Chipperfield WD4 9DR

- 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 and Mrs Gillespie against the decision of Dacorum Borough Council.
 - The application Ref 21/00506/FHA, dated 5 February 2021, was refused by notice dated 6 April 2021.
 - The development proposed is an annex.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application description for the proposal refers to an annex. The proposal involves the alteration and extension of an existing summerhouse/garage building to incorporate a swimming pool and hot tub. Above the ground floor extension, there would be a mezzanine floor and a first floor gym within a pitched roof with rooflights and end gables.

Main Issues

3. The site is within the Green Belt and so the main issues are:
 - whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and the Development Plan;
 - the openness of the Green Belt;
 - character and appearance; and
 - if the proposal is inappropriate development, whether 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

4. The appeal site comprises a substantial detached dwelling in a large plot, with outbuildings, including garages and summerhouse. The dwelling has planning permissions for two storey side and single storey rear extensions. The Framework establishes that new buildings or development are inappropriate development unless they fall within listed exceptions. One such exception is 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. Amongst other matters, Policy CS5 of the Council's Core Strategy (CS) 2013 sets out that limited extensions to existing buildings will be permitted in the Green Belt.
5. The use of the word 'limited' within the CS policy is different to that of "disproportionate" used in Framework. There is no planning guidance or definition of the words but limited would indicate a smaller permissible quantum of development than disproportionate. This would indicate an inconsistency between the Framework and local policy.
6. The proposal would result in additional floor space of approximately 117sqm. Saved Policy 22 of the Local Plan (2004) requires an assessment based on the increase in floor area but judging proportionality on a single factor would be misleading. In this regard, the proposal would also result in the summerhouse being increased in height through the addition of a pitched roof with first floor accommodation within it. The roof's height would be approximately 0.5m above that of the garage and at approximately 6m in height, it would be more than double the height of that of the summerhouse.
7. The width of the extension would stretch across a significant part of the summerhouse/garage building. The depth of the extension would be greater than that of the host building as well. The altered and extended building would enclose a significant sized swimming pool and hot tub area, and a first floor gym. On this basis, there would be a significant increase in the size, scale and bulk of the building which would be disproportionate.
8. In 2019, an Inspector allowed a proposal for a two storey extension to a dwelling in Seale. While the cumulative additions would be sizeable, the Inspector concluded that there was nothing substantive to indicate that the proposal would overall be disproportionate. However, this decision indicates that proportionality is not solely limited to floor space/volume increases and a proposal has to be judged as a whole, taking into account different factors, and their particular planning circumstances, as has been done above.
9. Under the Framework, another exception is limited infilling in villages and similarly, there is no definition of this exception. The site is within the village because it is part of a group of dwellings along Chapel Croft, a significantly developed road, and close to facilities, including a local shop, despite being outside of its development boundary. In my opinion, infilling would comprise the filling in of space by built development between buildings within a planning context. The proposal would involve an extension to an existing summerhouse/garage which is next to a dwelling. However, the proposal would involve significant extension and alteration of this building. In this regard, there would be a new room incorporating the swimming pool, and plant

room within both the extended and existing part of the building. As such, the new development comprises the extended and altered summerhouse/garage and would not result in the filling in of a space between adjacent buildings. On the other side of the adapted and extended summerhouse/garage, there would be the undeveloped area of the neighbouring property's garden.

10. In 2021, an Inspector confirmed that proposed extensions to a dwelling in Bedmond would constitute limited infilling. However, this was a different proposal in a different context where it was accepted that there was a gap between two existing buildings. Therefore, there are material differences between this proposal and that before me. In any case, every proposal has to be considered on its particular planning merits. For all these reasons, the appeal proposal before me would not comply with this Framework exception.
11. Another Framework exception is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. The Framework definition of previously developed land excludes land in built-up areas, such as a residential garden. The site is located within semi-rural surroundings, but it is still within the built-up area of the village for the reasons previously indicated. As such, it is excluded from the definition of previously developed land.
12. In 2018, an Inspector found that an ancillary outbuilding was within the 'previously developed land' exception above. However, the surrounding area contained a small number of properties, and despite the proximity of the M25 Motorway, it was concluded that overall, the area and property had a rural character and appearance. Such circumstances do not apply here limiting the weight to be attached to the decision. For all these reasons, the appeal proposal before me would not comply with this Framework exception.
13. For all these reasons, the construction of the annex would be inappropriate development under the Framework.

Openness

14. 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.
15. There would be a significant increase in the size of the summerhouse/garage which would result in the building extending closer to the existing dwelling. This would result in a loss of openness around the existing dwelling and summerhouse/garage. The development would be screened, and it would be within a group of buildings which would reduce the visual sense of the loss of openness. The loss of openness would also be viewed against the backdrop of existing development and the village. Public viewpoints are distant and therefore, the visual loss of openness would be limited to residents close to the development. However, openness has a spatial as well as visual dimension which this development would harm by reason of its extent, irrespective of the lack of visibility. Thus, there would be a small harmful loss of openness within the Green Belt.

Character and appearance

16. The rear of the existing summer house is located within the Chipperfield Conservation Area. The proposal would result in an awkwardly designed building with a mixture of flat and pitched roofs. Nevertheless, the existing summerhouse/garage has a similar mixed roofscape and the development would not be conspicuous in its wider setting. Accordingly, there would be no significant impact on the character and appearance of the area.
17. The Conservation Area comprises historic and architecturally attractive buildings and spaces that are of importance and contribute to its significance and its special interest. Considerable importance and weight are attached to the desirability of preserving the character and appearance of the Conservation Area. However, its character and appearance would be preserved for the reasons given above. In conclusion, the proposal would comply with Policy CS5 of the CS in respect of character and appearance.

Other considerations

18. The proposed development would enhance existing leisure facilities which would cater for the wellness needs of the appellants and their family. As a result of the pandemic, health and well-being are important at a time when access to gyms and sports facilities is more difficult. The extension and alteration would represent an improvement to the property and local housing stock. Nevertheless, this would primarily be a private benefit and therefore, it would be a limited public benefit. The proposals would provide employment and a business boost to the local economy during the construction period, at a time, when the economy is suffering from a pandemic. However, such benefits would be limited because they are mainly restricted to the duration of the building works.

Conclusion

19. The proposal is inappropriate development in the Green Belt which is by definition harmful. Although small, there is harm to the loss of the openness of the Green Belt. The Framework establishes substantial weight should be given to any harm to the Green Belt. Cumulatively, the weight of considerations in favour of the development would not be great. For these reasons, 'Very special circumstances' do not exist as the harm to the Green Belt by reason of inappropriateness is not clearly outweighed by other considerations.
20. In terms of inappropriateness, the conflict of the proposal with CS Policy CS5 would be small because of its inconsistency with the Framework. Nevertheless, the economy and housing benefits would be limited, and the question of inappropriateness is central to the consideration of the proposal. Consequently, the conflict would be material and there would be a conflict with the development plan taken as a whole. There are no material considerations to outweigh that finding. In any case, the conflict with the Framework policies for the Green Belt would provide a clear reason for refusing the development. Therefore, for the reasons set out above, this appeal is dismissed.

Jonathon Parsons

INSPECTOR