



Appeal Decision

Site visit made on 2 August 2022 by C Glaister BSc (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2022

Appeal Ref: APP/A1910/D/21/3288255

Four Trees, River Hill, Flamstead AL3 8BY

- 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 Chris White against the decision of Dacorum Borough Council.
 - The application Ref 21/02424/FHA, dated 13 June 2021, was refused by notice dated 17 September 2021.
 - The development proposed is described as "Proposed detached garage with accommodation in the roof void".
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (2021) (the Framework);
 - 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 would be inappropriate development, 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 for the Recommendation

Inappropriate Development

4. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 states that the construction of new buildings should be regarded as inappropriate in the Green Belt, with the exception of, among other things, the replacement of a building provided the

new building is in the same use and not materially larger than the one it replaces. Policies CS5 and CS6 of the Core Strategy 2006-2031 (September 2013) (the Core Strategy) generally reflect the policies provided in the Framework.

5. The proposal seeks to remove the existing detached garage and replace it with a larger detached garage in a position closer to the front of the site. The replacement garage would be materially larger than the existing garage, and the appellant agrees with this in their grounds of appeal. It would have a footprint approximately 50% greater and additional usable space in the roof.
6. The appellant does not consider the proposal to be materially larger than the garage approved as part of application Ref 4/00869/01/FHA. It is not appropriate to consider whether the proposal is materially larger than the unimplemented permission, in accordance with the Framework, because it does not currently exist, and the proposal cannot therefore be considered a replacement of it.
7. Accordingly, the development would be inappropriate development and result in harm to the Green Belt. Paragraph 148 of The Framework instructs 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 resulting from the proposal, is clearly outweighed by other considerations.

Openness

8. The site is located towards the edge of Flamstead. Immediately to the rear are open fields that spread further north. Whilst the proposal would be materially larger than the existing garage, due to the overall extent of the development, the effect upon the openness of the Green Belt would be limited.
9. Although the harm would be limited, the proposal would nevertheless be detrimental to the openness of the Green Belt.

Character and Appearance

10. There is a considerable distance separating the appeal property from its neighbour Wilton Cottage, and due to the existing garage's position towards the back of the site, the openness between the two properties is maintained.
11. The proposed garage would be much wider than the existing garage and be positioned further forward, such that it would be closer to the road than the main dwelling. It is noted that the garage at Wilton Cottage is in line with Wilton Cottage itself. The proposed garage would also be considerably wider than the garage at Wilton Cottage which it would adjoin. It would create a row of closely positioned buildings, and remove the existing open space. It would therefore, due to its size and position, cause harm to the character and appearance of the area.
12. The proposal would be setback from the road and there is vegetation along the front boundary of the site. However, the setback would not be sufficient to mitigate the harm, and the garage would be sited in line with the open driveway where it would be largely visible from the road.

13. Accordingly, the proposal would harm the character and appearance of the area. It would therefore fail to comply with Policies CS5, CS6, CS11, and CS12 of the Core Strategy which together seek to ensure development is sympathetic to local character, respects the typical density intended in an area, and integrates with the streetscape character. It would also fail to align with the Framework and its aim to ensure development adds to the overall quality of the area.

Other Considerations

14. The unimplemented permission represents a fallback position for the appellant. The previously approved garage would be further back, behind the front elevation of the house, and would not include a dormer or habitable space in the roof. Aside from the differences inherent in its overall size and appearance, resulting from its design and position, the previously approved garage and the proposal would be in separate locations. Consequently, this would permit both schemes to be implemented simultaneously, were this appeal allowed. Given that it is not possible to impose a planning condition to revoke the previous permission, and no planning obligation presently exists to secure the same end, it is not possible to ensure that the previously approved garage would not be built, and the fallback position therefore holds no weight.
15. The appellant has suggested that the relocation of the garage would increase the usable space in the rear garden and allow for the appellant's children to play safely. Beyond being a personal benefit, the site has a large garden, and the removal of the garage would make little difference to its overall function as a usable space. The proposal would also offer further usable floorspace and secure parking for the appellant. These are also personal benefits which hold little weight.

Conclusion and Recommendation

16. The proposal would be inappropriate development in the Green Belt and would be detrimental to openness. It would also cause harm to the character and appearance of the area. It would therefore conflict with the Framework, and the aims of Policies CS5, CS6, CS11, and CS12 of the Core Strategy. The other considerations do not clearly outweigh these harms, and the very special circumstances necessary to justify the development do not therefore exist. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

C Glaister

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR