



Appeal Decision

Site visit made on 9 August 2022 by Ms S Maur BA (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2022

Appeal Ref: APP/N1920/D/22/3297646

Four Trees, Common Lane, Letchmore Heath, Watford WD25 8EE

- 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 Adam Thrussel against the decision of Hertsmere Borough Council.
 - The application Ref 21/1631/HSE, dated 6 August 2021, was refused by notice dated 22 February 2022.
 - The development proposed is the installation of swimming pool.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of new swimming pool at Four Trees, Watford, WD25 8EE in accordance with the terms of the application, Ref 21/1631/HSE, dated 6 August 2021.

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.

Preliminary Matters

3. The Council has raised concerns about the pergola which has been erected on site. However, this is not part of the description of the development and the appellant has confirmed that it was not part of the original application. Therefore, this recommendation has not considered the pergola. It appeared on my site visit that the swimming pool and related development was largely complete, however I have based my recommendation on the submitted plans.

Main Issue

4. The main issues are:
 - i) whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework) including the effect of it on the openness of the Green Belt; and
 - ii) the effect of the development on the setting of the listed building and whether it would preserve or enhance the character or appearance of the Conservation Area.

Reasons for the Recommendation

5. The host dwelling is a large Grade II listed building with substantial grounds set within Letchmore Heath Conservation area. The area is residential in character and situated in a rural village within the Green Belt.

6. The development proposed is a rectangular swimming pool with associated hard surfacing located to the western part of the rear garden, close to existing outbuildings and to the side of the house. The pool is orientated perpendicular to the building line of the main house.

Whether inappropriate development in the Green Belt

7. The appeal property is located within the Green Belt as defined in the Hertsmere Local Plan Core Strategy adopted 2013 (Core Strategy). Policy CS13 of the Core Strategy sets out a presumption against inappropriate development within the Green Belt in line with the Framework. In addition, Policy DASM26 of the Hertsmere Local Plan Site Allocations and Development Management Policies Plan adopted 2016 (Site Allocations Plan) states that the scale, height and bulk of the development should be sympathetic to and compatible with its landscape setting and not be harmful to the openness of the Green Belt.
8. The National Planning Policy Framework (the Framework) directs that the construction of new buildings should be regarded as inappropriate in the Green Belt, save for a number of exceptions. One of these, is the provision of appropriate facilities (in connection with the existing use of land) for outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. There is nothing in the Framework to state that these facilities cannot be private or ancillary to the dwellinghouse. Several appeal decisions have been provided which reach the same conclusion.
9. The site is screened both to the front and rear and the development is contained within the curtilage of the dwelling which reduces the visual impact. As the pool is very modest in scale, set to the side of the host dwelling, close to the existing outbuildings and it is set into the ground of a substantial garden. This being so, the proposal would preserve the openness of the Green Belt.
10. Given the above, the proposal would not constitute inappropriate development in the Green Belt. It would accord with the relevant Policies set out in the Core Strategy, the Site Allocations Plan and the Framework.
11. As the proposal does not amount to inappropriate development, there is no requirement to assess if there are any other considerations that amount to very special circumstances.

Effect of the development on heritage assets

12. Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is given to the desirability of preserving the listed building or its setting and that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation area.
13. Although the swimming pool appears as a modern intervention, the part of the garden in which it is proposed is offset from the large main garden, is closely associated with the ancillary buildings to the side of the main building and is screened to the front and rear. As the pool is located in the ground and there is a degree of separation from the building itself, it sits comfortably within the grounds. Furthermore, the hardstanding area, as built with the external materials, complement the host dwelling and appears appropriate. Therefore,

the proposal would preserve the setting of the listed building and the character and appearance of the Conservation area.

14. For the reasons outlined above, the development would not cause harm to the setting of this listed building and the Conservation area. It would accord with Policies CS22 and CS14 of the Core Strategy and Policies SADM29 and SADM30 of the Site Allocations Plan 2016 which require that it would not harm the setting of the listed building and conserve the character and appearance of the Conservation Area.
15. There is also no explicit conflict with the general guidance set out in Part D of the Planning and Design Guide Supplementary Planning Document (SPD) 2016. The Council has suggested that the proposal would be in conflict with Part E of the SPD (2006). However, this solely sets out guidelines for residential extensions and alterations and given that this is a structure that is detached, I do not consider that this is particularly relevant.

Other Matters

16. The Council has not raised any concerns in respect of drainage and the addition of a swimming pool into a garden is not a particularly unusual proposal. In addition, the development is in place, and I have no evidence that it is causing any significant drainage concerns.
17. Any impacts on the living conditions of nearby neighbours in terms of noise and light would not be significant in the context of this being a swimming pool related to a single residential dwelling. Additional tree screening at the boundary would not be necessary to make this development acceptable.
18. The appeal before me is retrospective in nature, and therefore construction is not a key issue. Any works to other parts of the listed building, including an existing rear gate and pillar are not part of the consideration for this appeal. Concerns have been raised in respect of the consultation process. However, I have no evidence that this did not meet the basic requirements of the legislation.

Conditions

19. The Council has requested three standard conditions. However, as the development has already been completed it is not necessary to include a commencement time condition, or for the proposal to be carried out in accordance with the approved plans. Additionally, the external materials used in construction do not need to match the existing building, given that the nature of the development is independent of the dwelling. Given that the pool would be within the garden of a single dwelling any use beyond that ancillary to this property would need planning permission and so a condition controlling this would not be needed. Therefore, in this instance no conditions are required.

Conclusion and Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Ms S Maur

APPEAL PLANNING OFFICER

Inspector's Decision

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

K Taylor

INSPECTOR