



Appeal Decision

Site visit made on 17 August 2022

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2022

Appeal Ref: APP/P0240/W/21/3286614

2 Cowslip Crescent, Sewell, Dunstable, LU6 1RP

- 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 N Roberts against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/02171/FULL dated 29 April 2021, was refused by notice dated 17 August 2021.
 - The development proposed is described on the decision notice and appeal form as "Demolition of the existing single dwelling and one and a half storey detached replacement dwelling with a link to existing Honeysuckle building and associated works including replacements to existing cesspits".
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Decision

1. The appeal is dismissed.

Procedural matter

2. The development description has been amended to that shown on the decision notice and appeal form as this is more precise. I am satisfied that this has not prejudiced the interests of any party.

Main issues

3. The main issues are:
 - the effect of the development of the character and appearance of the area, with particular regard to the design and finish of the proposed connecting link with No 1 Cowslip Crescent;
 - whether the proposal would be inappropriate development in the Green Belt, and if so, the effect of the development on the openness of the Green Belt;
 - if the development is inappropriate, 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 the development.

Reasons

Appeal site context

4. The appeal site contains a mature detached bungalow of an attractive architectural design clad in timber boarding, with a shingle roof and stone

chimney. The dwelling is modest in scale and sits at an oblique angle to Sewell Lane, which is the main road which runs through the hamlet of Sewell. The garden plot upon which it is sited is set slightly above the adjacent road and has a clear verdant character with an extensive grassed area to the front and mature trees to its boundaries.

5. The property is within the Green Belt and Sewell Conservation Area. A similar detached bungalow, known as 'Honeysuckle Cottage' (No 1 Cowslip Crescent) lies immediately adjacent to the existing dwelling and is of a similar architectural design and character, albeit of a larger scale having been sympathetically extended to the side and rear.

The effect of the development of the character and appearance of the area, with particular regard to the design and finish of the proposed connecting link with No 1 Cowslip Crescent

6. Whilst I agree that the architectural solutions suggested by the Council's Conservation Officer would result in an improved scheme, I am nonetheless satisfied that the subtle timber finish of the connecting link and its position set well back from the front elevation would not be harmful to the character and appearance of the proposed contemporary dwelling, the adjacent mature timber-clad property (Honeysuckle Cottage) and wider conservation area.
7. In view of the above, I find that the development would preserve the character and appearance of the conservation area in accordance with S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
8. I therefore conclude that the scheme would accord with Policies HQ1 and HE3 of the Local Plan¹, which collectively seek, amongst other things, for development proposals to; (1) relate well to their surroundings; (2) reinforce local distinctiveness; and (3) preserve and sustain the special character, significance and appearance of designated heritage assets.

Whether the proposal would be inappropriate development in the Green Belt

9. Policy SP4 of the Local Plan states that within the Green Belt, development proposals will be assessed in accordance with government guidance contained in the Framework² and National Planning Practice Guidance (NPPG). Paragraph 149 of the Framework states that the construction of new buildings and other forms of development in the Green Belt are inappropriate unless they fall within a number of exceptions. The appellant asserts that the scheme complies with the exception outlined in Paragraph 149(d), namely the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
10. The evidence before me reveals that the proposed scheme would result in a dwelling with a 74.6% increase in gross internal area and 77.6% increase in volume from the original existing dwelling. Based on these figures and my own on-the-ground assessment, the proposed dwelling would be substantially larger than the existing one it would replace and does not therefore comply with the exception at Part (d). It would also significantly exceed the 60% limit of

¹ Central Bedfordshire Council Local Plan 2015-2035, adopted July 2021.

² National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 20 July 2021.

additions allowed for extensions to dwellings in the Green Belt in the Council's Design Guide³.

11. I recognise that there is already planning permission for a similar detached dwelling on the site, but without the connecting link to Honeysuckle Cottage⁴ ('the approved scheme'), but this is materially smaller than the proposal before me, in that it would result in a dwelling with a 63.5% increase in gross internal area and 64.28% increase in volume from the original existing dwelling. It would also be 13sqm smaller in footprint than the proposed development.
12. Although the appellant is of the view that the difference between the approved scheme and the development before me is not significant in terms of size and scale, it is my view that the former is already at the upper limit of what may be permissible within the context of the exception outlined at Paragraph 149(d), and that a line needs to be drawn at some point before a dwelling is no longer capable of falling within this exception. In this case, even when taking into account the size of the approved scheme, it is my view that the proposal exceeds the point at which it can be reasonably described to be not materially larger than the one it replaces.
13. Part (g) of Paragraph 149 of the Framework sets out a further exception to new development being inappropriate in the Green Belt, that of the complete redevelopment of previously developed land. This is subject to it not having a greater impact on the openness of the Green Belt than the existing development.
14. Based on its historic use, site ownership, boundaries, appearance and character, I am satisfied that the appeal site falls within the curtilage of a permanent structure and that this is not within a built-up area. As a consequence, it constitutes previously developed land in accordance with the definition provided by the Framework.
15. I recognise that the site has a large amount of mature trees to its boundaries and that the site is set above the road and the ground level of the scheme would be reduced to minimise its visual impact. However, the development's scale, form and overall footprint in a more centralised position within the site would dominate the plot when viewed from Sewell Lane and have a greater impact upon the openness of the area than retaining the site in its present developed form and also that of the approved scheme. As a consequence, I conclude that the scheme's additional built-form encroachment into the site would be harmful to the Green Belt purpose of safeguarding the countryside. This harmful impact would be intensified by the scheme's public visibility on Sewell Lane.
16. In view of the above, I conclude that the proposal constitutes inappropriate development in the Green Belt. I have assessed the scheme's impact upon the openness of the Green Belt and concluded that it would cause moderate harm to the openness and purpose of including the land within the Green Belt.

³ Central Bedfordshire Design Guide, A guide for designing high quality new developments, September 2014, Central Bedfordshire Council.

⁴ Planning Permission CB/02649/FULL dated 27 January 2021.

Other considerations

17. My attention has been drawn by the appellant to other planning decisions made by the Council in support of the scheme. However, although these exceeded the 60% limit referred to in the Council's Design Guide, I found none of them to be comparable in terms of detailed design, scale, form, context and visual impact. I have as a consequence assessed the proposal on its own merits in the light of all the evidence which is now before me.
18. The appellant also asserts that a fallback position should be taken into consideration for additions to the rear of the existing dwelling, which would potentially look piecemeal and less desirable than one coherent building. They also state that the scheme would result in the removal of existing outbuildings on the site. However, I have given this fallback little weight in my assessment as no detailed plans exist for such a scheme and hence there is no substantive evidence to indicate that there is a significant probability that it would be constructed.
19. 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 148 states 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.
20. I have concluded that the proposal would constitute inappropriate development and therefore be, by definition, harmful to the Green Belt. I have also concluded that the proposal would cause moderate harm to the openness of the Green Belt. In accordance with Paragraph 148 of the Framework, I have given substantial weight to this harm in my assessment.
21. Although the proposal would result in a new bespoke contemporary dwelling, I am not of the view that this would result in a visual enhancement to the area when compared with the more modest impact of the existing bungalow. I do however recognise that the scheme would result in benefits to the appellant of; (1) providing a more accessible layout and carers accommodation for existing elderly relatives and themselves at some point in the future; and (2) a more energy efficient dwelling. However, I consider these benefits to be of limited value and not clearly outweigh the development's moderate harm to the openness of the Green Belt, which I have given substantial weight to in my assessment.
22. In view of the above, I find that there are no very special circumstances that clearly outweigh the scheme's harm to the Green Belt by reason of inappropriateness, and the moderate harm to its character, openness and permanence. As a consequence, I conclude that the scheme would conflict with Policy SP4 of the Local Plan, and also find that it would not accord with Paragraphs 147, 148, 149 and 150 of the Framework.
23. In view of the above, I conclude that the proposal does not accord with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.

Conclusion

24. Although I have concluded that there is no harm in respect of the main issue relating to character and appearance of the connecting link, I am nonetheless satisfied that the harm identified in respect of the main issue relating to development within the Green Belt is sufficient to still justify dismissal of the appeal.
25. All representations have been taken into account, but no matters, including the scope of possible planning conditions, have been found to outweigh the identified failures, harm and policy conflict. For the reasons above, the appeal scheme should be dismissed.

Robert Fallon

INSPECTOR