



Appeal Decision

Site visit made on 25 October 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2022

Appeal Ref: APP/A1910/D/22/3299548

Broomhill Leys, Windmill Road, Markyate AL3 8LP

- 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 Duglan against the decision of Dacorum Borough Council.
 - The application Ref 21/03971/FHA, dated 15 October 2021, was refused by notice dated 1 March 2022.
 - The development proposed is an erection of extension to ancillary outbuilding to form two bay garage.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant, in the course of the appeal, has submitted a revised plan for the proposed development. Although this plan was not the basis of the Council's decision on the planning application, the revised scheme features a smaller mass and more open sections. Therefore, I do not consider that it would cause prejudice to any party to proceed with this appeal with reference to the revised plan.

Main Issues

3. The main issues relevant to this appeal are:
 - whether the development is inappropriate in the Green Belt and the effect on openness; and
 - 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

Whether inappropriate development and the effect on openness

4. The appeal site contains a detached dwelling with a separate garage. The garage, owing to variations in topography is partially underground. The appeal site also contains many trees. The appeal site is located in the Metropolitan Green Belt. The National Planning Policy Framework (the Framework) regards, the erection of new buildings in the Green Belt as generally being inappropriate. There are some exceptions to this, which are listed in Paragraph 149 of the Framework.

5. Paragraph 149 includes 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. The Council considered the planning application on the basis that the original building was the outbuilding that is the subject of this appeal.
6. The proposed development would result in an increase in the overall height of the building. This would create a building that would have two storeys. This increase in height would encompass the entirety of the building's footprint. Therefore, this means that the proposed development would have a significantly greater mass than the current scenario.
7. In result, the development's height would create a building that would be significantly taller than the original structure. Therefore, the proposed development would result in an addition to the building that would be disproportionate. Therefore, within this regard, the proposed development would be regarded as being inappropriate in the Green Belt.
8. The appellant has suggested that the proposed development be assessed as being an extension to the dwelling house due to its proximity to the dwelling. However, even if I were to agree with this approach, I am required to consider whether the proposed development would represent a disproportionate addition over and above the size of the original building.
9. In this instance, the proposed development would, from some vantage points be viewed as part of the existing outbuilding. Although the existing outbuilding is partially below ground, its form and mass is apparent from some viewpoints. In consequence, when the proposed development would be viewed with these elevations, it would have a significant height. This would therefore create a bulkier development.
10. This would be exacerbated by the fact that the proposed development would be located beyond the front wall of the dwelling. Therefore, the resultant development would result in a disproportionate addition to the dwelling for it would erode the generally linear character of the existing dwelling. This effect would arise even though the footprint of the dwelling would not be increased.
11. In reaching this view, I have had regard to the fact that the proposed building would feature some open elements. However, owing to the design of the proposed development, it would result in a discernible mass that would erode the sense of openness of the Green Belt.
12. It has been suggested that the proposed development could be considered to be a partial or complete redevelopment of previously developed land. The appeal proposal would be located in the garden of the appellant's dwelling. However, the appeal site is located outside of the boundaries of the settlement within the countryside.
13. The appeal site can therefore be considered to be previously developed land. However, for a development to be not inappropriate, the proposal should not have a greater impact on the openness of the Green Belt than the existing development.
14. The proposed development would result in a greater amount of built form owing to the greater height of the building. In consequence, there would be a greater amount of building than is currently the case. Therefore, the proposed development would result in an erosion in the spatial sense of openness. This

would occur even though the appeal site, and the surrounding area, features a varied topography.

15. In addition, the appeal site is located near to a shooting club. The proposed development would be viewable from the entrance to this establishment and its car park. Therefore, it would be prominently located and the increase in built form would be readily perceptible from some distance away. In result, the proposed development would potentially be experienced by a great number of people. In consequence, the proposed development would result in an erosion of the physical sense of openness of the Green Belt.
16. There are several trees in the surrounding area. However, whilst these would provide some screening, the effect would only be partial due to the generally open nature of the side boundary of the appeal site on account of the proximity of the appeal site to the previously described entrance and car park. In addition, the screening effect is likely to vary depending on the health of the trees and, potentially, season. This would occur even though some of the trees are located on land in the ownership of the appellant.
17. Although there are some variations in the overall topography of the appeal site and the general vicinity, the degree of change is relatively small. Therefore, the proposed development would remain visible even irrespective of these changes.
18. I therefore conclude that the proposal would be an inappropriate development in the Green Belt and would have an adverse effect upon the overall level of openness. The development, in this regard, would conflict with Policy CS5 of the Dacorum Core Strategy (2013). Amongst other matters, this seeks to ensure that developments protect the openness and character of the Green Belt.

Other considerations

19. It has been suggested that a proposed development could be constructed elsewhere on the appeal site under permitted development rights and therefore planning permission would not be required. Whilst this might be the case, the evidence before me, in the form of the Council's delegated report, is indicative that such an outbuilding would have a lower height than the appeal proposal.
20. In addition, the suggested locations for the proposed development would have a smaller effect upon the levels of physical openness due to them being viewed alongside the existing dwelling or would be better screened by it. This is because the appeal proposal before me is located beyond the front elevation of the dwelling. These are factors that would not apply to a building constructed under permitted development rights.
21. Therefore, I do not believe that the proposed scheme that could be erected under permitted development rights would have the same adverse effects as the scheme before me. In consequence, I can only give this matter a limited amount of weight.
22. I note that the proposed development would result in improved living conditions for the appellant owing to increased car parking and potentially responding to maintenance issues in the existing building. However, it has not been demonstrated that such benefits could only be delivered in the appeal

proposal. In result, these are matters that can also only be attributed a limited amount of weight.

23. The proposed development would generate some economic benefits arising from the construction process. However, these are likely to be small-scale and time limited in impact. Therefore, they can only be attributed a limited amount of weight.

Planning balance and conclusion

24. The development plan and Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
25. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. In so doing I have found harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
26. The other considerations I have identified individually and collectively carry a limited amount of weight in favour of the proposal. As such the harm to the Green Belt is not clearly outweighed by the other considerations identified, and therefore the very special circumstances necessary to justify the development do not exist.
27. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR