



Appeal Decision

Site visit made on 2 November 2022

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2022

Appeal Ref: APP/A1910/W/21/3287876

Burleigh, New Road, Chipperfield WD4 9LL

- 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 & Mrs K Moore against the decision of Dacorum Borough Council.
 - The application Ref 21/02763/FUL, dated 9 July 2021, was refused by notice dated 14 October 2021.
 - The development proposed is change of use of existing outbuilding and conversion to a detached two bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is in the Metropolitan Green Belt. The Framework confirms that the Government attaches great importance to Green Belts. The identified 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. The Council state that the proposal would not compromise the openness of the Green Belt. Based on the plans before me and my observations on site I see no reason to take a different view. Accordingly, the proposal is not inappropriate development in the Green Belt and does not conflict with the guidance set down in the Framework on this matter.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. Burleigh is a large, detached bungalow set within a street scene of similar large dwellings. Dwellings within New Road are set back from the road within spacious plots. This, and boundary hedging to the front of the dwellings, results in a green, spacious and well-ordered character and appearance to the surrounding area. Whilst many dwellings within the road contain outbuildings within rear gardens¹, there is a clear distinction in hierarchy between the more formal front elevations of the dwellings and the secondary role of outbuildings, which are generally located to the rear.

¹ As shown on plan 2100tL1

5. The rear garden contains a detached annexe which is larger than other outbuildings found in the surrounding area. Notwithstanding the presence of a larger than average annexe building and other outbuildings within the rear garden of the appeal site, due to the remaining space and established planting, it nevertheless contributes positively towards the distinctive pattern of development.
6. The proposal would convert the existing annexe to form a 2-bedroom dwelling with amenity space to the front, side and rear. A parking and turning area would be located to the front of the dwelling with a fence separating this from the main dwelling. The proposed dwelling would be accessed from the driveway to the side of the main dwelling.
7. The proposal would sub-divide the original plot for Burleigh and introduce sizeable areas of hardstanding for car parking, turning and access. In combination with the additional boundary treatments to demarcate these areas, this would have the effect of compartmentalising the garden into areas notably smaller than those found within the surrounding area².
8. I acknowledge that the location of the structure at the lower part of the rear garden would not be easily seen from surrounding properties, and there would be only minor alterations to the appearance of this building. I also note that the roof form, height and palette of materials would be consistent with surrounding dwellings and the existing boundary landscaping would be retained. Nonetheless, the dwelling, along with its associated access, parking and turning areas and boundary treatment, would be apparent in views from the road, where its siting and scale would appear discordant and unrelated to the form, scale and layout of dwellings in the area and the spacious character of the surrounding area.
9. Accordingly, I find that the proposal would diminish the feeling of spaciousness and disrupt the well-ordered prevailing pattern of development resulting in harm to the character and appearance of the area. Therefore, it would conflict with those aims of Policy CS12 of Dacorum's Core Strategy 2006-2031 (2013) which, amongst other matters, seek to ensure that development integrates with the streetscape character and respects adjoining properties in terms of, amongst other things, layout and site coverage. I also find conflict with the National Planning Policy Framework (The Framework), which requires that developments are sympathetic to local character.

Other Matters

10. My attention has been drawn to other planning permissions within Chipperfield, which the appellant states have restricted access and small private rear gardens. On the basis of the limited information before me and my observations on site I find that these proposals are not similar to the appeal proposal in terms of the characteristics of the sites and their surroundings or the form of development and therefore do not result in the same impacts on the character and appearance of the surrounding area.
11. The appeal site is within the Zone of Influence for Ashridge Commons and Woods around the Chilterns Beechwoods Special Area of Conservation (SAC) in which proposals including a net gain in residential development have the

² as evidenced on plan number 2100tL1

potential to give rise to significant effects (either alone, or in combination with other proposals). As I have found harm in relation to the main issue it is not necessary in this instance to undertake an appropriate assessment to consider the effect on the SAC.

12. I have given careful consideration to the various other matters raised in the appellant's statement of case, including in respect of highway safety, improvements to insulation standards and the effect on living conditions of the occupants of the host and neighbouring dwellings. Whilst my decision focusses on the planning merits of the scheme, even were I to reason that the scheme were acceptable in all other respects, or could be made so via conditions.
13. I note that the proposal could improve access to the rear of the site for the emergency services. However, the existing use of this building is as an ancillary annexe. Therefore, this benefit would be limited.
14. The proposal would perform well in that it would have reasonable access to facilities. Furthermore, it may well be the case that the proposal would allow a family member to live in the area. I address these matters in the planning balance below.

Planning Balance

15. I am aware from other recent appeals in the borough that the Council is not able to demonstrate a five-year supply of deliverable housing sites and this has not been disputed by the Council. As the proposal involves the provision of housing, Footnote 8 of the Framework indicates the most important policies for determining the appeal are deemed to be out of date and paragraph 11. d) ii of the Framework is engaged.
16. I have found that the proposal would result in harm to the character of the area. Therefore, the proposal conflicts with those aims of CS Policy CS12.
17. Good design, including consideration of the effects on the character and appearance of the area, is also a key aspect of sustainable development. Consequently, the proposal would conflict with the development plan when taken as a whole. Given the consistency between the policies with which a conflict has been identified and the Framework I give substantial weight to this conflict.
18. The proposal would have some benefits as identified above. Furthermore, I acknowledge that the net additional dwelling would make a small contribution towards the borough's housing supply. The Framework's objective is to significantly boost the supply of homes. This factor weighs in favour of the scheme. Given the shortfall in the Council's five-year housing land supply, I attach moderate weight to the development's positive contributions to the social and economic objectives of the Framework.
19. However, the adverse impact which I have identified to the character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework. Consequently, the decision should be taken in accordance with the development plan with which I have identified conflict.

Conclusion

20. The appeal proposal would result in harm to the character and appearance of the area. Consequently, it fails to accord with the development plan taken as a whole. Therefore, for the reasons given above, the appeal should be dismissed.

Nichola Robinson

INSPECTOR