



Appeal Decision

Site visit made on 2 February 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2023

Appeal Ref: APP/J1915/W/22/3300492

Land Adjacent to Byfield House, Gypsy Lane, Great Amwell SG12 9RJ

- 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 Giuseppe Baio against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2084/FUL, dated 5 August 2021, was refused by notice dated 9 February 2022.
 - The development proposed is to demolish existing garage and construct new detached dwelling with associated parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') (2021) and any relevant development plan policies;
 - The effect on the character and appearance of the area;
 - The effect on the living conditions of the occupants of Byfield House, with particular regard to loss of outlook; and
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Inappropriate development in the Green Belt

3. The appeal site is on land defined as Green Belt. It predominantly comprises a single storey triple garage within the plot of a 2-storey detached dwelling. A few other dwellings and a garden nursery are nearby. The appeal proposes the demolition of the garage, and the construction of a new 2-storey detached dwelling on a broadly similar footprint.
4. The Framework identifies that the 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. Inappropriate development is, by definition, harmful to the Green Belt and

should not be approved except in very special circumstances. Policy GBR1 of the East Herts District Plan (2018) sets out that planning applications in the Green Belt will be considered in line with the provisions of the Framework.

5. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. The relevant exception under its paragraph 149g is for the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development. Openness is an essential characteristic of the Green Belt, that has spatial as well as visual aspects. While the appellant suggests that the proposal would meet the 5 purposes of the Green Belt, the relevant test under this exception relates to effects on openness.
6. Spatially, the construction of a 2-storey dwelling on the site would result in built development with a greatly increased volume, height, and massing compared to the existing garage building. As such it would result in a clear loss of openness.
7. Visually, the appeal site is visible from the adjacent road and from neighbouring properties. Notwithstanding the relatively substantial size of the adjacent host dwelling or the existence of other 2-storey properties within the vicinity, the openness of the Green Belt is clearly evident around the property and the wider area. It has a strong semi-rural character of open space and wide views, including across the single storey garage block. The larger building of the appeal proposal would result in significant harm to openness, to which, as set out in the Framework, I give substantial weight.
8. For these reasons, the appeal proposal would be inappropriate development in the Green Belt.

Character and appearance

9. The proposed dwelling would be fairly consistent in height with its host, and in scale and height with other nearby dwellings. However, due to it spanning the full width of its plot frontage and its positioning very close to the flank of Byfield House, it would appear as an obvious infill plot out of character with the other dwellings on the street. Its bulk and massing would create an incongruous disparity compared to the spacious character which would remain around the rest of Byfield House. The proposal would thus have a harmful impact upon the semi-rural character, and have undue prominence in the current open views. This would not be an improvement compared to the garage's current appearance, which while functional, is only single storey and clearly ancillary in nature.
10. Policy DES4 of the East Herts District Plan requires that development proposals must be of a high standard of design and layout. I find that the scheme would not meet its requirements for proposals to respect or improve upon the character of the site and the surrounding area, in terms of its scale, height, massing, siting, and layout. While the appellant refers to the scheme's compliance with guidance in policy HOU11, this policy does not primarily relate to the provision of a new dwelling but is focused on residential extensions. Therefore this does not lead me away from my findings against Policy DES4.

11. In conclusion therefore, the proposed development would result in moderate harm to the character and appearance of the area. This would be contrary to policy DES4 of the East Herts District Plan. It would also conflict with the Framework Section 12 regarding the need to achieve good design.

Living conditions

12. The proposed dwelling would be sited very close to the first floor side elevation windows in Byfield House. This limited separation distance in combination with the wide side elevation of the new dwelling would result in a material loss of outlook from those windows, leading to a harmful sense of enclosure. While the proposal would raise no significant issues relating to potential overshadowing, loss of light, or privacy, this does not mitigate my finding regarding poor outlook.
13. In conclusion, the proposed development would result in moderate harm to the living conditions of the occupants of Byfield House, with particular regard to loss of outlook. This would be contrary to policy DES4 of the East Herts District Plan and the Framework paragraph 130, which together require that development proposals should avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties, and have a high standard of amenity for existing and future users.

Other considerations

14. The appellant suggests that because the existing land is underdeveloped and underused, the principle of the development is supported by the Framework paragraph 130e and a number of paragraphs in Section 11. Together these advise that planning decisions should promote an effective use of land, encourage multiple benefits from both urban and rural land, and support development that makes efficient use of land and optimises the potential of each site. However, I only give limited weight to these factors because the Framework must be read as a whole, and paragraph 149g gives support to the reuse of previously developed land in the Green Belt only where openness would not be harmed.
15. The site gained outline permission in 2017 for a dwelling, although with no details as to its scale or massing. It has not been shown that this permission is still extant. Furthermore, that dwelling gained permission under a previous development plan context, whereby the adopted District Plan has since defined the village boundaries for Great Amwell which exclude the site. I therefore do not find that the previous permission weighs in favour of the scheme or provides a reasonable fallback position, despite that the proposed dwelling is slightly smaller in scale.
16. I also note that 2 subsequent applications for a dwelling have since been refused, with one dismissed on appeal in 2020. As I do not have full details of those appeal decisions or plans before me and am considering the scheme on its own merits, they have not affected my earlier conclusions.
17. Similarly, while the appellant has provided examples of planning permissions for other plots on Gypsy Lane, from the limited evidence before me I find both the policy context and the physical site circumstances of these other examples are not directly comparable, such that I give them only very minimal weight.

18. The appellant suggests that the proposal would contribute to meeting an identified affordable housing need, but no substantive evidence has been provided in this regard, and so I give this no weight.

Green Belt Balance

19. In summary, due to its effects on openness, the proposal would be inappropriate development in the Green Belt in the terms set out by the Framework. It would also cause harm in respect of effects on character and appearance, and living conditions. The Framework requires that substantial weight should be given to any harm to the Green Belt, and that inappropriate development should not be approved except in very special circumstances. It goes on to explain that very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
20. Given the weight that I have attributed to the other considerations in this case, they would not individually or cumulatively clearly outweigh the harm to the Green Belt and any other harm. Therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated. The proposal would thus conflict with the Green Belt policies in the Framework, and by extension Policy GBR1 of the East Herts District Plan.

Conclusion

21. With regard to the above, the proposal would conflict with the development plan as a whole. With no other material considerations indicating otherwise, I conclude that the appeal is dismissed.

L Hughes

INSPECTOR