



Appeal Decision

Site visit made on 8 December 2023

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal Ref: APP/A1910/D/23/3327652

1 Tower Hill, Chipperfield, Hertfordshire WD4 9LJ

- 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 Trevor Grantham against the decision of Dacorum Borough Council.
 - The application Ref 23/00741/FHA, dated 21 March 2023, was refused by notice dated 19 May 2023.
 - The development proposed is 2 storey side extension and associated alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies;
 - (b) the effect of the proposal on the openness of the Green Belt;
 - (c) the effect of the proposal on the character and appearance of the area;
 - (d) the effect of the proposal on the significance of Chipperfield Conservation Area and the locally listed building at 1 Tower Hill; and
 - (e) if the proposal would be inappropriate development, whether the harm by reason of its inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

3. The site is located within the Metropolitan Green Belt. NPPF paragraph 149 regards the construction of new buildings as inappropriate development in the Green Belt unless one of several exceptions apply. Paragraph 149(c) relates to 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 NPPF glossary defines 'original building' as a building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally.

4. Policy CS5 of the Dacorum Core Strategy 2013 (DCS) states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt. The policy permits small-scale development in the Green Belt such as limited extensions to existing buildings provided that it has no significant impact on the character and appearance of the countryside and it supports the rural economy and maintenance of the wider countryside.
5. There is no national or local guidance on what represents a disproportionate extension. The appellant notes that Policy 22 in the Dacorum Borough Local Plan 2004 (DBLP) on extensions to dwellings in the Green Belt and Rural Area used to contain thresholds for acceptable footprint increases of less than 130% of the original floor area but these have now been struck out. Therefore, it is matter of judgment based on the evidence before me. It is important to note that matters relating to visual and openness effects should only be considered (if necessary) once a decision has been reached on whether the extension would result in disproportionate additions.
6. The appeal property which dates from the late 19th or early 20th century has been extended at the rear with single storey additions. There are also three outbuildings in the back garden. There is no dispute that the two storey parts of the property are original. The parties also concur that the original property had a floor area of approximately 71 square metres (sqm) which appears to include the outbuildings according to the appellant. The cumulative increase in floor area would be around 56sqm with the proposed development which would represent around a 79% increase in percentage terms.
7. The demolition of the outbuildings could be secured by condition before the extension is occupied and permitted development rights could be removed for any future outbuildings. The parties concur that this would reduce the addition of built form on the site to 29% with the proposed extension in place. On that basis, the additions to the original building would not be disproportionate and the proposal would not represent inappropriate development in the Green Belt.
8. However, if the outbuildings are original structures as the appellant states, then their demolition would only make the original building smaller and would increase rather than reduce the proportion of any additions. While at least two of the outbuildings appear to be modern constructions, it is not clear whether they have replaced older and potentially original (or at least pre-1 July 1948) structures.
9. Moreover, looking at the proposed ground floor plan, the floor area of the existing single storey rear extensions and the proposed two storey side extension are more than 29% of the floor area of the original building without the outbuildings. Cumulatively, they appear to be more than double the original floor area and would result in a much larger built footprint that would not be proportionate to the original building.
10. Therefore, it has not been demonstrated that the proposal would not result in a disproportionate addition over and above the size of the original building. Consequently, and for the purposes of this decision, the proposal would represent inappropriate development in the Green Belt contrary to NPPF paragraph 149.

Effect on the openness of the Green Belt

11. NPPF paragraph 137 states 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.
12. The proposed extension would be highly visible from the road and would reduce the amount of open garden space to the side of the existing building. In spatial terms, there would only be a minor incursion into the Green Belt and a minor negative effect on openness. Nevertheless, this would represent a harm to be weighed in the overall planning balance.

Character and appearance

13. The appeal property is located in a cluster of buildings on the north-western edge of Chipperfield. The buildings are mostly two storeys and residential, with a mix of 20th century and older properties. There are examples of two storey side extensions including at the adjoining semi-detached property at 3 Tower Hill. The character and appearance of this side of Tower Hill from the appeal site to the edge of the settlement is suburban due to the age and general uniformity of properties.
14. The appeal property makes a positive contribution to the street scene due to its projecting gables at the front and side and distinctive architectural details, including red brick at ground floor, decorative tile hanging at first floor, and gable roofs with brick chimneys, clay tiles, bargeboard and timber panelling. It is set back from the road by a front and side garden. There is a large gap between the property and the public house to the south-east formed by the side garden, access road to properties at the rear, and the pub car park, which provides views of the side elevation and increases the prominence of the property in the street.
15. The adjoining property at No 3 has similar features on the front elevation but the side elevation forms part of the two storey side extension and is plainer. The extension has similar dimensions and features to the original front gable at No 3, which results in the property having a broadly symmetrical front elevation. Consequently, No 3 also makes a positive contribution to the street scene albeit less prominent and unaltered than the appeal property.
16. The proposal would mimic many of the existing architectural details on the front and side elevations. The quality of materials can be controlled by condition. It would have a broadly symmetrical relationship with the existing building on the front elevation and create greater balance with the adjoining property at No 3. However, it would not be a subordinate extension as the roof height would remain unchanged and the width would be similar to the existing front gable. Therefore, it would compete with the prominence of the existing building. Moreover, the distinctive projecting side gable and rear chimney would be lost and replaced with a much shallower side gable. While a sizeable gap to the public house would remain, there would be a significant reduction in garden space to the side of the property.
17. The appellant refers to DBLP Policy 22 which, amongst other things, requires extensions to dwellings in the Green Belt to be limited in size taking into the size of the original dwelling and the location of the building with control over size more tightly applied at the edges of settlements. Although this policy is not

included in the Council's decision notice, there would be conflict in terms of the size of the extension on a property on the edge of Chipperfield.

18. Concluding on this main issue, the proposal would have a significant harmful effect on the character and appearance of the area. Therefore, it would be contrary to DCS Policies CS11 and CS12 which, amongst other things, require development to preserve attractive streetscapes, integrate with streetscape character and respect adjoining properties in terms of matters such as scale, height and bulk. The proposal would also not accord with DBLP Appendix 7 which, amongst other things, requires extensions to harmonise with the original design and character of the existing house and not dominate in terms of scale. It would also not follow NPPF paragraph 130 which seeks development that is sympathetic to local character and history.

Heritage assets

19. The appeal property and the adjoining semi at 3 Tower Hill are located on the north-western edge of Chipperfield Conservation Area. It is a large conservation area covering much of the settlement and incorporating significant areas of open space such as Chipperfield Common. There is a mix of attractive properties with varying architectural styles from smaller cottages on narrow plots to larger detached houses on generous plots. The significance of the conservation area is greatly informed by the rural and historic character and appearance of the settlement surrounded by countryside.
20. The Chipperfield Conservation Area Character Appraisal and Management Proposals document (2009) identifies 1 and 3 Tower Hill as locally listed buildings as structures that make a positive contribution to the special interest of the conservation area. As noted above, they have distinctive architectural features and enhance the street scene. The space surrounding the appeal property at the front and side gives it an attractive and prominent position on the edge of the conservation area. Therefore, I consider that 1 and 3 Tower Hill can be regarded as non-designated heritage assets in their own right as well as contributing positively to the significance of the conservation area and its character and appearance.
21. The proposal would dominate the existing building and obscure the detail and proportions of the prominent side elevation. The amount of open space to the side would be reduced. Notwithstanding the attempts to replicate architectural features and achieve symmetry with the existing and adjoining property, the proposal would result in less than substantial harm to the significance of the conservation area. It would also have a significant harmful effect on the locally listed building at 1 Tower Hill as a non-designated heritage asset.
22. Therefore, the proposal would not preserve or enhance the character or appearance of the conservation area contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This carries considerable importance and weight in the overall balance.
23. DCS Policy CS27 requires the integrity, setting and distinctiveness of designated and undesignated heritage assets to be protected, conserved and if appropriate enhanced. It also requires development to positively conserve and enhance the appearance and character of conservation areas. For the reasons outlined above, the proposal would conflict with this policy.

24. NPPF paragraph 199 requires great weight to be given to the conservation of designated heritage assets irrespective of the extent of harm. NPPF paragraph 200 states that any harm to significance should require clear and convincing justification, while paragraph 202 requires less than substantial harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This will be carried out below as part of the overall planning balance.

Other considerations

25. NPPF paragraph 147 indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposed development would also result in harm in terms of the openness of the Green Belt. NPPF paragraph 148 states that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
26. The appellant refers to the restricted size of rooms within the existing property. However, it has not been demonstrated that the property provides inadequate living space for any occupant and so any enlargement represents a personal benefit. Therefore, this consideration can only be afforded very little weight.
27. The appellant also refers to the benefit of balancing the pair of semi-detached properties at 1 and 3 Tower Hill. While this would be achieved, the existing arrangement is not unattractive, particularly as the appeal property has a prominent and distinctive position in the street scene and conservation area. Therefore, I give this consideration very little weight.
28. The two storey side extension at No 3 was granted planning permission in 1987, but it is unclear from the evidence before me what policy context existed at that time. It would appear that the properties were not identified as locally listed until the publication of the conservation area appraisal in 2009 and so heritage matters may not have featured as strongly at the time. The appellant also notes several other properties in the local area have been granted planning permission for similar development. However, these examples vary in terms of the location relative to the conservation area and the amount of development proposed relative to the existing building. None are identical to this proposal and each case should be assessed on its own merits. Therefore, I give very little weight to the existence of similar development in the local area.

Planning balance and very special circumstances

29. Starting with the heritage balance set out in NPPF paragraph 202, it is necessary to weigh the less than substantial harm to the significance of the conservation area against the public benefits of the proposal. Street scene considerations and consistency of decision making can represent public benefits, but I have only attached very little weight to these matters in the previous section. Enlarging the amount of living space in the property is not a public benefit in this instance. The public benefits would be insufficient to outweigh the harm to the conservation area and provide clear and convincing justification for the harm. Therefore, the proposal would not accord with NPPF paragraphs 199, 200 and 202. This is sufficient on its own to indicate that planning permission should be refused.

30. Turning to the overall planning balance in line with NPPF paragraph 148, the proposal would cause harm to the Green Belt due to its inappropriateness and effect on openness. This carries substantial weight. The proposal would also result in significant harm to the character and appearance of the area and the locally listed building at 1 Tower Hill as a non-designated heritage asset. It would result in less than substantial harm to the significance of the conservation area which carries considerable importance and weight.
31. The other considerations addressed above carry little weight even when looked at cumulatively. They do not clearly outweigh the harm to the Green Belt and the other identified harms. Consequently, the very special circumstances necessary to justify the proposal do not exist. Thus, the proposal would not accord with DCS Policy CS5 or the aims of the NPPF which seek to protect the Green Belt.

Conclusion

32. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR