



Appeal Decision

Site visit made on 29 July 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th September 2024

Appeal Ref: APP/A1910/D/24/3340643

Little Oaks, Darrs Lane, Northchurch, Berkhamsted, Hertfordshire HP4 3TT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Robin Dunbavand against the decision of Dacorum Borough Council.
 - The application Ref is 23/02816/FHA.
 - The development proposed is demolition of existing side extension and detached garden room, construction of new side and rear extensions, with associated internal alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 30 July 2024, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the draft Framework) and other changes to the planning system. In addition, a written ministerial statement entitled "Building the homes we need" was published. The parties have been invited to comment on these publications as part of the appeal process, and I have had regard to the comments received.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the development on the living conditions of the occupants of Hillcrest, with particular regard to outlook, daylight and sunlight; 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 required to justify the proposal.

Reasons

Whether inappropriate development

4. The appeal site lies within the Green Belt. Paragraph 154 of the Framework sets out that the construction of new buildings should be regarded as inappropriate development in the Green Belt, other than in a few exceptions

including (c) the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. The Framework does not define "disproportionate". Therefore, it is a matter of planning judgement as to whether or not the proposal would comprise a disproportionate addition over and above the size of the original building.

5. Policy CS5 of the Core Strategy 2006-2031 (Adopted 25 September 2013) (CS) states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt.
6. I do not have definitive information before me to be certain about the size of the original building. However, there is no substantive evidence to indicate the existing dwelling is significantly different in size to the original building. The Council based its assessment on the size of the existing building, and this approach has not been disputed by the appellant. Therefore, in the absence of any alternative evidence before me, I have proceeded on the basis that the existing dwelling reflects the size of the original building.
7. The proposed development would enlarge the existing property by adding a large, two-storey extension to the rear, which would project many metres beyond the back wall of the existing property. Given its depth, width and height, the proposal would add significant bulk and mass to the host building. Furthermore, the floorspace of the proposed development would be substantially larger than the host building, almost doubling the size of the internal living accommodation.
8. The development would involve the removal of an existing side porch and a detached garden room, which I observed on my site visit. I have not been provided with details of the size of the structures to be removed. However, even if these structures formed part of the original building, they are modest in size. Therefore, their removal would not significantly alter the proportional increase in the size of the proposed additions.
9. Overall, it is clear that the proposed development would substantially increase the size of the dwelling, such that it would amount to a disproportionate addition to the original building.
10. It has been put to me that the development would fall within the exception listed at paragraph 154(g) of the Framework, which states that limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use, would not be inappropriate provided it would not have a greater impact on the openness of the Green Belt than the existing development.
11. The Framework does not define "limited infilling". However, even if I were to conclude that the site comprises PDL, the development would not have the character of "infilling". This is because the development would not occupy undeveloped space between the host property and neighbouring dwellings on the Darrs Lane frontage; and it would be sited a significant distance from the nearest buildings to the rear. Moreover, given that the fabric of the host building would remain largely intact, the proposal is not for the partial or complete redevelopment of the land. Therefore, paragraph 154(g) of the Framework does not apply to the appeal proposal, even with the proposed revisions to its wording in the draft Framework.

12. The draft Framework proposes to introduce a new 'Grey Belt' designation for some sites in certain circumstances. However, the appellant concedes that, due to its location within the Chilterns Area of Outstanding Natural Beauty, the appeal site is excluded from the definition of the Grey Belt in the draft Framework. Therefore, I have not considered this matter further.
13. I conclude that the proposal would be inappropriate development in the Green Belt, having regard to the Framework and Policy CS5 of the CS which seek to resist development in the Green Belt, other than in a few exceptions which do not apply to the proposed development. The Framework states that inappropriate development is, by definition, harmful to the Green Belt.

Openness

14. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
15. Openness can be perceived visually and spatially. Whilst there would be some minor alterations to the street-facing elevation, the bulk of the additional built form would be sited to the rear of the host property, which is well-screened from longer views by trees and boundary treatments. However, the development would be observed in closer views from neighbouring properties, over the boundary fencing and through gaps in the trees. Given that the proposal would occupy space that is mostly undeveloped, there would be minor harm to openness in visual terms, albeit at a localised level.
16. Due to its width, depth and height, the addition would be a substantial structure that would occupy a part of the garden that is largely devoid of buildings. It would therefore have a modest but deleterious effect on the spatial openness of the appeal site. It follows that the proposal would not preserve the openness of the Green Belt. The harm to openness would be in addition to the inappropriateness of the proposal.

Living conditions

17. There are some tall trees along the boundary between the host property and Hillcrest. However, the height of the trees varies such that the proposal would be visible from the garden and upper floor rear windows of the neighbouring property. At two storeys high, and given its depth and proximity, the side wall of the proposal would be an imposing structure that would partially block views across gardens and upwards towards the sky from the rear windows and garden of Hillcrest. Instead, views from Hillcrest would be towards the side wall of the proposed extension which, other than one small window, would be a largely blank façade. Consequently, the proposed development would be unduly dominant in the outlook from the neighbouring property to the degree that it would cause harm to the living conditions of its occupants.
18. Due to the orientation of the dwellings, any loss of direct sunlight and daylight would be limited to a small part of Hillcrest's garden during the late afternoons in winter months. Given the size of the neighbouring garden, overshadowing would not adversely affect the ability of neighbouring occupiers from enjoying their outdoor space for most of the day and throughout the year. Consequently, there would be no undue harm arising to the living conditions of the occupants of Hillcrest through the loss of sunlight or daylight.

19. No harm has been identified in respect of the effect of the proposal on the living conditions of the occupants of Skerries. From the evidence, and my own observations, I have no reason to take a different view.
20. Whilst I have not found harm would arise in respect of daylight and sunlight, I conclude that the development would cause harm to the living conditions of the occupants of Hillcrest through loss of outlook. Therefore, there would be conflict with Policy CS12 of the CS, insofar as it expects developments to avoid visual intrusion. There would also be conflict with the Framework, which expects developments to provide a high standard of amenity for existing users.

Other considerations

21. The proposed development would be inappropriate development in the Green Belt. Therefore, by definition, it is harmful to the Green Belt and should not be approved except in very special circumstances.
22. There are other dwellings near to the appeal site that are larger than Little Oaks. Within that context, the proposed development would not have an incongruent appearance so as to cause harm to the character of Darrrs Lane. The absence of harm weighs neither for nor against the proposal.
23. The proposal carries some support from third parties, including the occupants of Hillcrest. However, the absence of objection does not in itself render the scheme acceptable.

Green Belt balance

24. The proposed development would cause harm to the Green Belt by way of its inappropriateness and loss of openness. There would also be harm caused to the living conditions of the occupants of Hillcrest through loss of outlook.
25. There is no substantive evidence before me of any other considerations that clearly outweigh the harm I have identified. Consequently, there are no very special circumstances before me that indicate this inappropriate development should be approved. The proposal would therefore be contrary to the Framework and Policy CS5 of the CS insofar as they resist inappropriate development in the Green Belt except in very special circumstances.

Other Matters

26. I acknowledge the appellant's frustration in the Council's handling of the application and lack of proactive communication. However, these matters fall outside of the scope of this appeal.

Conclusion

27. The proposal conflicts with the development plan. The material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. Therefore, for the reasons given above the appeal should be dismissed.

E Catchside
INSPECTOR