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The Planning Inspectorate

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Your Reference:

Our Reference:
T/APP/A1910/A/95/251779/P8

Date:

12 SEP 1995

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL			
Ref			
Dep	TCPM	OP	CC
Received		13 SEP 1995	
Comments			

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 AND SCHEDULE 6
APPEAL BY MR R J WILLIAMS
APPLICATION NUMBER: 4/0122/95.FH

- I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for extensions and alterations to existing property at "Fairhaven", Rucklers Lane, Kings Langley, Herts. I have considered the written representations made by you and by the Council and also those made by the Parish Council directly to the Council and forwarded to me. I inspected the site on 29 August 1995.
- The property comprises a detached 1930's bungalow, having rendered elevations under a tiled roof. It is located within a ribbon of development on the south side of Rucklers Lane beyond the A41 Kings Langley By-Pass in open countryside which is designated as part of the Metropolitan Green Belt. The site rises steeply from the road, as does the open farmland opposite currently used for the grazing of horses. Planning consent was granted in June 1994 under Ref 4/0210/94 for the erection of a substantial extension and alterations, including the installation of dormer windows front and rear, but with the garage located beneath the two storey structure and accessed by reducing the level of the existing driveway. That consent appears to have been implemented. An alternative proposal with the garage located in front of the established building line was refused consent in November last year. The current proposals were submitted in order to overcome the perceived objections to the second of the three applications.
- From my inspection of the appeal site and surrounding area and consideration of the representations, I am of the opinion that the principal issues in this case are; firstly, whether development as proposed would comprise appropriate development within the Green Belt and, if not, whether there are very special circumstances in this case for making an exception and, secondly, whether the extension would appear incongruous and over-dominant in the street scene to the detriment of the appearance of this rural area.
- Policy 1 of the approved Hertfordshire County Structure Plan Review states that within the Green Belt permission will not be given for development other than

in a limited number of exceptions, none of which apply in the subject case. Policy 47 sets out the strategy to protect and enhance the existing settlements and the essential character of the County's urban and rural areas. In assessing proposals, the Local Planning Authorities will have regard not only to the impact of the individual developments, but will also take into account the cumulative effect of development.

5. The Dacorum Borough Local Plan is an up-to-date document which has recently been statutorily adopted. It is necessary, therefore, for me to accord its policies considerable weight in the determination of this appeal. I have been referred, in particular, to Policy 3 which seeks to exercise very strict control over development within the Green Belt. This contains a presumption against building development, with only a limited number of uses being generally acceptable. Very small-scale building which is necessary to sustain an acceptable use will be permitted provided it has no adverse impact on the character, function and appearance of the Green Belt. Detailed criteria in respect of house extensions are set out in Policy 20. This, in turn, states that extensions will not be permitted unless it is compact and well related to the existing building in terms of design, bulk, scale and materials; has regard to the size and shape of the site; is not visually intrusive on the skyline or on the open character of the surrounding countryside and is limited in size. Policy 8 of the Local Plan requires all proposals for new development to pay particular regard, inter-alia, to layout, site coverage, design, scale, bulk, height, materials and landscaping on the site itself, in relation to adjoining property and in the context of longer views. It should respect the general character of the area in which it is set and avoid harm to the surrounding neighbourhood. In the Green Belt and rural area any such development should be located in a suitable landscape setting or be well related to an existing group of buildings.

6. Within this small pocket of seven dwellings to the west of the By-Pass there are currently two properties in the course of substantial alteration, whilst two others appear to have been extended in recent years. The recently issued PPG 2 at Paragraph 3.4 states that limited extension, alteration or replacement of existing dwellings is not considered inappropriate development within the Green Belts. Furthermore, the principle of an extension, having a similar floor area to that proposed, has already been accepted. To that extent, therefore, I consider that the proposals before me represent an appropriate form of development within the Green Belt subject to the development respecting the specific criteria contained in Policy 20.

7. The reasoning to Policy 20, which applies to development within the Green Belt and the rural area, states that very large extensions or poorly designed and located ones individually and collectively would damage the character of the countryside and contradict policies of restraint on general building. While householders should have some scope to adapt and extend their homes to suit their own requirements, this will inevitably be more limited in the countryside than in towns and villages. It is therefore necessary to consider your Client's proposal against this background, the rural setting of the property and its neighbours and the consent which has already been granted for the subject property and a number of those nearby.

8. The differences in terms of external appearance between the permitted extension and that for which consent is now sought relate principally to the proposed gable end to the east of the building and its forward projection beyond the existing building line. The additional small single storey rearward projection does not appear to be of general concern. Within the immediate vicinity the adjoining bungalow to the east (Florence) is currently being altered with an underground garage, such that it will give the appearance of a three storey structure. The adjoining dwelling in the opposite direction has been altered with

a garage approached over a driveway which matches the slope of the ground. That dwelling has a two storey gable extension to the front similar, in some respects, to that proposed in this instance.

9. The proposed extension would be no higher than that for which consent already exists, although the roofs are of slightly different design, that for which approval has been granted having small hipped ends to the flank slopes. Nevertheless, in terms of the bulk of the structure and the effect upon the skyline, it seems to me that there is little to choose between the two proposals. In my view, the proposals before me may well appear less obtrusive given that it will not be necessary to excavate a large part of the front garden to accommodate the underground garage. The current scheme would not have the disadvantage brought about by creating a three storey structure at one end of the building which would be highly visible when viewed from Rucklers Lane. In my judgement, and given that consent already exists for a substantial extension, I cannot accept that the current proposals would be so damaging in terms of the criteria set out in the Council's adopted policies that consent should be withheld. In arriving at this conclusion I have also had regard to the other extensions nearby which form part of the wider context within which such proposals should be judged.

10. I have had regard to the other matters raised in the representations, but none is of sufficient strength to outweigh the considerations which have led to my decision.

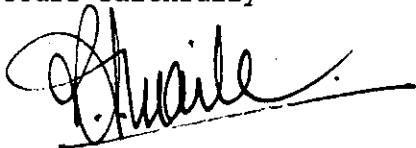
11. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for extensions and alterations to existing property at "Fairhaven", Rucklers Lane, Kings Langley, Hertfordshire, in accordance with the terms of the application (No 4/0122/95.FH) dated 6 February 1995 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.
2. details and samples of the materials to be used for the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any site works are commenced.

12. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused, or granted conditionally, or if the Authority fail to give notice of their decision within the prescribed period.

13. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully



R J Maile BSc FRICS
Inspector



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0122/95

Mr Williams
"Fairhaven"
Rucklers Lane
Kings Langley
Herts

Mr S York
22 Oakwood Road
Bricketwood
St. Albans
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION
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"Fairhaven", Rucklers Lane, Kings Langley

TWO STOREY EXTENSION AND ALTERATIONS

Your application for *full planning permission (householder)* dated 06.02.1995 and received on 07.02.1995 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 03.04.1995

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/0122/95

Date of Decision: 03.04.1995



1. The site is within the Metropolitan Green Belt on the adopted Dacorum District Plan and Dacorum Borough Local Plan Deposit Draft (as proposed to be modified) wherein permission will only be given for use of land, the construction of new buildings, changes of use of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy.
2. The proposed front extensions would appear incongruous and dominant and would prove detrimental to the general character and appearance of this rural area and together with the proposed rear extension to the kitchen, would therefore be contrary to the aims of Policy 8, Criteria (A), (C) and (D) and Policy 20 Criteria (A), (C) and (E) of the Dacorum Borough Local Plan Deposit Draft (as proposed to be modified).