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Appeal Decision

The Planning Inspectorate
Tollgate House,
Houlton Street
Bristol BS2 9DJ
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site visit held on Thursday, November 25, 1999

by K E B Holland BA (Hons) DipTP MRTPI ARICS

an Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

10 DEC 1999

Appeal : T/APP/A1910/A/99/1029238/P4

- 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 brought by Mr R J Usher against Dacorum District Council.
- The site is located at Chiltern House, 1 The Coppice, Wigginton, Tring.
- The application (ref: 4/00185/99/FHA), dated 1 February 1999, was refused on 17 March 1999.
- The development proposed is the erection of a two-storey side extension.

Decision: The appeal is dismissed.

The main issues

1. The appeal site lies in the Metropolitan Green Belt and the Chilterns Area of Outstanding Natural Beauty (AONB). There are two main issues in this appeal. First, whether the proposal amounts to inappropriate development in the Green Belt and, if so, whether there are any very special circumstances sufficient to overcome the presumption against such development. Second, the effect of the proposal on the character and appearance of the AONB.

Inspector's reasons

2. As regards the first main issue, Policy 5 of the Hertfordshire Structure Plan Review 1991 – 2011 (SP) contains the conventional presumption against inappropriate development in the green belt. Policy 20 of the adopted Dacorum Borough Local Plan (LP) allows for extensions to dwellings in the Green Belt provided the extension is, among other matters, limited in size, compact and well-related to the existing building in terms of design, bulk, scale and materials. Planning Policy Guidance: Green Belts (PPG2) advises that the extension of an existing dwelling in the Green Belt is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. Disproportionate is not defined in the advice.
3. In this instance the planning background is relevant. Chiltern House is one of four dwellings allowed on "call in" by the Secretary of State in 1993. In that decision ((E1/A1910/2/4/02) the Secretary of State accepted the Inspector's recommendation that there were very special circumstances that outweighed the presumption against inappropriate development in the Green Belt. The applicants specifically reduced the size of the dwellings applied for when the application was amended from two dwellings to four and part of the applicant's case was that the development involved modestly sized houses. The Inspector clearly had regard to the size of dwellings argument and recommended a condition limiting the scale of the houses to 160 square metres in ground floor area. The Secretary of State agreed and imposed a condition to this effect. The existing house, including the conservatory, has a ground floor of around 160 square metres. Consequently, the proposal would take the ground floor area beyond the limit imposed by condition on the

permission. I do not consider that this is a consideration that can be ignored and, in my view, it counts against the proposal.

4. Assessed against the size of the original dwelling, I believe that the extension would add a significant amount of bulk to the building. The extension would be fairly large, on two floors and the length of the ridgeline of the roof would be approximately doubled. I also judge that the reduction in the gap between the garage and the house would add to the overall impression of increased bulk. Consequently I consider that the proposal would be disproportionate to the size of the original dwelling. At present the group of four houses that were built following the Secretary of State's 1993 decision have a distinct sense of openness. I consider that a consequence of the proposal would be that this sense of openness would, to a degree, be compromised. Given that the most important attribute of the Green Belt is its openness this is a further factor against the scheme.
5. I consider that the development would be inappropriate in the Green Belt and harmful to the most important aim of Green Belt policy. I have not been able to identify any special circumstances that would justify inappropriate development nor have any been identified by the Appellant. I conclude that the scheme conflicts with LP policy 20 and guidance in PPG2.
6. Turning to the second main issue, I consider that the design of the extension would be sympathetic to the form and style of the existing house. There would be no loss of trees and the landscaped setting of the house would be maintained. In my judgement the extension would have no material impact on the general character and appearance of the AONB.
7. I have considered all of the other matters raised in the representations, including the permission recently granted by the Council for an extension and garage at Rangers Cottage. There is an important distinction to be drawn as that property is not subject to the ground-floor area condition imposed by the Secretary of State. Further, in allowing that application the Council decided that the extension and garage would be limited in relation to the size of the original dwelling and therefore met the requirements of PPG2. That was a matter for the Council to judge and is entirely separate from my assessment of the appeal proposal. None of the other matters raised are of sufficient weight to override the balance of my conclusions.

Conclusions

8. The conflict with the development plan policies, the advice in PPG2 and the condition imposed by the Secretary of State is, in my view, decisive in this appeal. The lack of harm to the AONB does not outweigh this conflict.
9. For the reasons given above I conclude that the appeal should not, on balance, succeed and I shall exercise the powers transferred to me accordingly.





PLANNING

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MR R J USHER
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1 THE COPPICE
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HP23 6QS

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/00185/99/FHA

1 THE COPPICE, WIGGINTON, TRING, HERTS, HP236QJ
TWO STOREY SIDE EXTENSION

Your application for full planning permission (householder) dated 01 February 1999 and received on 02 February 1999 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 17 March 1999

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00185/99/FHA

Date of Decision: 17 March 1999

- 1. The application site is located in the Metropolitan Green Belt on the adopted Dacorum Borough Local Plan wherein there is strict control over built development. Very special circumstances were shown to exist which justified the construction of the development comprising The Coppice. However, restrictions were placed on the maximum ground floor area of each dwelling at the time of the original application, and as the proposed development involves further extensions it would be contrary to both Condition 5 of planning permission 4/0201/91 and the aims and objectives of both national policies contained within PPG2 (Green Belts) and local policies contained in Policy 3 of the Dacorum Borough Local Plan.**
- 2. The proposal adds a further element of built development on the site over and above the maximum ground floor area permitted when the original application was determined. The proposed additional development would be inappropriate in and harmful to the Chilterns Area of Outstanding Natural Beauty.**