



The Planning Inspectorate

Room 10/23
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-987 8698
Switchboard 0117-987 8000
Fax No 0117-987 8624
GTN 1374

Chief Planning Officer
Dacorum Borough Council
Civic Centre
Hemel Hempstead
Herts.
HP1 1HH

Your Ref:
4/00207/98/FUL
Our Ref:
APP/A1910/A/98/294558

Date: 24 September 1998

Dear Sir/ Madam

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MR & MRS GARDNER
SITE AT THE OLD BRICKFIELD, CHESHAM ROAD, WIGGINTON, HERTS.

I enclose a copy of our Inspector's decision letter.

Yours faithfully

p.p. MR R NASH

212A

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NOTE: We generally keep appeal files for one year from the date of the Inspector's decision letter.

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL	
Ref.	
Date	25 SEP 1998
Received	25 SEP 1998
Comments	



The Planning Inspectorate

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117 - 987 8927
Switchboard 0117 - 987 8000
Fax No 0117 - 987 8139
1374 - 8927

GTN
ENQUIRIES.PINS@GTNET.GOV.UK

~~DAT~~
T3
~~...~~

Andrew King and
21 Gilpins Ride
BERKHAMSTED
Herts
HP4 2PD

Associates Your Ref:

Received 25 SEP 1998

Our Ref:
T/APP/A1910/A/98/294558/P9

Comments

Date: 24 SEP 1998

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 & SCHEDULE 6
APPEAL BY MR AND MRS GARDNER
APPLICATION NO: 4/00207/98/FUL**

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your clients' appeal against the decision of the Dacorum Borough Council to refuse planning permission for a replacement triple garage with granny annexe in the roof space at The Old Brickfield, Chesham Road, Wigginton. I conducted a hearing on 8 September 1998.

2. The appeal site lies within the Metropolitan Green Belt, as defined in the Dacorum Borough Local Plan, and the Chilterns Area of Outstanding Natural Beauty (AONB). From the matters presented to me at the hearing, the written representations made and my inspection of the appeal site and its surroundings, I consider there to be two main issues in this case. The first is whether the proposal conflicts with policies to protect the Green Belt; and if so whether there are any very special circumstances that would outweigh the usual presumption against inappropriate development. The second is whether the proposal would adversely affect the rural character and appearance of this part of the Chilterns AONB.

3. The development plan comprises the Hertfordshire Structure Plan Review 1991 - 2011 and the Dacorum Borough Local Plan (1995). Policy 5 of the Structure Plan establishes a strong presumption against inappropriate development in the Green Belt, referring to the approach taken in Planning Policy Guidance Note 2 (PPG2). Policy 3 of the Local Plan makes a presumption against built development and lists acceptable uses as agriculture, forestry, mineral extraction, open air recreation and other open, rural uses. Policy 20 of the Local Plan establishes criteria against which proposals to extend existing houses in the Green Belt will be considered. Policies 42 of the Structure Plan and 90 of the Local Plan seek to protect the character and appearance of the Chilterns AONB.

4. The Old Brickfield is a bungalow which forms part of a scatter of ribbon development along Chesham Road to the south of Wigginton. Your clients are full-time directors of the large and long established scrap metal yard which lies to the rear of the site. They are proposing to demolish an existing flat-roofed garage and log store and replace it with a garage of similar footprint with a pitched roof, enabling use of the roof space as a granny annexe.



5. You consider that this proposal should not be viewed as an extension to the existing house, but it should rather be seen as a replacement ancillary outbuilding. As such you contend that Policy 3 of the Local Plan is relevant, which indicates that "*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.*" You interpret acceptable use to include the existing, long-established residential use of the bungalow. However, reading the Policy as a whole I consider that it is intended to refer to the acceptable uses listed in the first part of the Policy, which do not include residential or ancillary development. I also note that PPG2 does not define development ancillary to existing uses as appropriate development.

6. Paragraph 3.6 of PPG2 indicates that the replacement of dwellings in the Green Belt need not be inappropriate, providing the new dwelling is not materially larger than the one replaced. If this principle is extended to replacement outbuildings, it becomes necessary to compare the size of the proposed development with that already existing. The application states that the proposed building will provide 130 sq m compared to the 105 sq m of the existing garage and log store. The ridge height would be some 4 m higher than the existing flat roof. You consider that this increase in floorspace is not significant, as it arises from the utilisation of the space under the pitched roof and a flat-roofed building would not be acceptable for aesthetic reasons in the AONB. At the hearing you accepted that a shallower pitch would be possible, thereby reducing the height and bulk of the building. However, any significant reduction in pitch would not provide the headroom necessary for the creation of residential accommodation in the roof. I consider that the increase in floor space of over 20% and the substantially increased height of the building make the proposal materially larger than the existing garage and log store and, by definition, inappropriate development in the Green Belt.

7. The alternative approach to the determination of this appeal, which the Council favours, is to consider the proposal as analogous to an extension to the existing bungalow. I note that this approach was taken by the Inspector determining a proposal for the erection of garages in a residential curtilage in a Green Belt location in Dacorum (ref: T/APP/A1910/A/96/270320/P8). I consider this approach to be particularly relevant to this appeal as the proposal contains an element of new residential accommodation. Extensions to existing dwellings in the Green Belt may be permitted under Policy 20 of the Local Plan subject to certain criteria, including that it is well related to the existing building in terms of design, bulk, scale and materials, and limited in size. The latter criterion will be more tightly applied at isolated locations in the countryside and the extent to which the dwelling has already been extended will be taken into account.

8. In my view the proposed development is not well related to the existing building by virtue, primarily, of its bulk at roof level. I observed that the original bungalow has a more shallow pitched shingle roof. Although the proposed building is situated to the rear of the site, the more steeply pitched, tiled roof of the new building would be, in my view, a dominant feature. I note your view that whilst the general locality can be seen as an isolated location in the countryside, the appeal site itself lies within a cluster of buildings, and thus Policy 20 allows for a more relaxed approach to the size of extensions. However, it is my view that the Policy is intended to allow for a relaxation in the centre of established residential areas, rather than within clusters of buildings in the countryside.

9. You accept that the original bungalow has already been extended on a number of occasions since 1962, resulting in a substantial increase of over 400% according to the Council's calculations, which you do not contest. Although the increase currently proposed,

some 25 sq m, may be considered modest in itself, to my mind the bungalow has already been extended to the extent where any further increase would be disproportionate over and above the size of the original building. This disproportionate increase conflicts not only with the provisions of Policy 20, but also with Government advice in paragraph 3.6 of PPG2.

10. From my site inspection it was apparent that views of the proposed building would be limited by the mature tree screen along the boundaries of the property. Nonetheless in my view, the proposed building, by virtue of its height and roof mass, would be a prominent feature, clearly visible from the site entrance, increasing the apparent level of built development on the site. This would reduce the openness of the Green Belt, contrary to the objectives of national and local policy. I note that new buildings have been built on neighbouring properties in recent years, notably in connection with the scrap yard. However, these are barely visible from public views, or the appeal site itself. In any event, the presence of other new buildings does not justify the additional harm to the openness of the Green Belt that would be caused by the appeal proposal.

11. I conclude that the proposal would constitute inappropriate development in the Green Belt, whether it is considered as a replacement outbuilding, or an extension to the dwelling. This would conflict with Policies 3 and 20 of the Local Plan, Policy 5 of the Structure Plan and Government advice in PPG2. Inappropriate development is by definition harmful, and in this case particular harm would arise as the openness of the Green Belt would be compromised.

12. I have considered whether there are any very special circumstances which would justify allowing the proposal. The appellants wish to care for an elderly relative at home. You accept that, in general, personal circumstances are rarely sufficient to overcome planning objections. However, in this case the appellants are unable to move to a larger property in a different location, because of their need for proximity to their business. Nonetheless, similar circumstances could apply to anyone living and working in the Green Belt. I also note that the bungalow has already been extended considerably to increase the living accommodation available. I sympathise with your clients' understandable desire to look after their relative, but I do not consider that their situation constitutes the very special circumstances envisaged in PPG2.

13. I have also considered whether the replacement of the existing garages and log store with a more attractive building could constitute the very special circumstances needed. The existing building has no particular architectural merit, but it is not, in my view, so prominent or unsightly that its removal would constitute a significant benefit. Taking into account these factors, I find that there are no very special circumstances sufficient to outweigh the strong presumption against inappropriate development in the Green Belt and the particular harm which I have identified in this case relating to loss of openness.

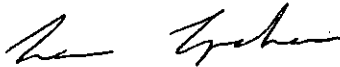
14. Turning to the second main issue I identified, I accept that the impact of the proposal on the AONB would be limited by its relatively small size and restricted visibility from public viewpoints. I also note your view that a flat-roofed replacement garage would not be acceptable on aesthetic grounds in the AONB, and that the proposal is an improvement in design terms. Nonetheless, as I have indicated above, I consider that the increased height and bulk at roof level would add to the apparent level of building on the site. This would adversely affect the rural character and appearance of the AONB, and would conflict with the objectives of Policy 42 of the Structure Plan and Policy 90 of the Local Plan.

15. The proposed granny annexe has a separate kitchen and could be used independently. You said that the use would be incidental to the main dwelling and you accept that the creation of a separate residential unit on the site would not be appropriate. Use as a separate dwelling would require planning permission and this could also be prevented by a suitably-worded condition. At the hearing you suggested conditions intended to prevent the construction of the roof ventilators and dormer windows in the front elevation. Although this would reduce the bulk of the roof to some extent, it would not, in my view, be sufficient to overcome the objections I outline above.

16. I have taken into account all other matters raised at the hearing and in the written representations, but they do not outweigh the factors which have led to my conclusions.

17. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully



Laura Graham BSc MA MRTPI
Inspector

APPEARANCES

FOR THE APPELLANTS

Mr Andrew King BA(Hons) B.PL
MRTPI

Principal Partner, Andrew King and
Associates, Chartered Town Planning
and Architectural Consultants.

FOR THE LOCAL PLANNING AUTHORITY

Miss T Mattick BA(Hons) Dip TP

Planning Officer, Dacorum Borough
Council

DOCUMENTS AND PLANS

Document 1 List of persons present at the hearing.

Plans A - C Application Plans: Location Plan, Drawings GC100A, GC101A

Plan D Agreed plan showing alterations to roof pitch



PLANNING

Civic Centre Marlowes
Hemel Hempstead
Herts HP1 1HH

ANDREW KING AND ASSOCIATES
21 GILPINS RIDE
BERKHAMSTED
HERTS
HP4 2PD

Applicant:
MR & MRS GARDNER
THE OLD BRICKFIELD
CHESHAM ROAD
WIGGINTON
HERTS

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/00207/98/FUL

THE OLD BRICKFIELD, CHESHAM ROAD, WIGGINTON, TRING, HERTS,
HP236JE
TRIPLE GARAGE WITH SELF CONTAINED RESIDENTIAL ANNEXE AT FIRST
FLOOR

Your application for full planning permission dated 05 February 1998 and received on
10 February 1998 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 24 March 1998

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00207/98/FUL

Date of Decision: 24 March 1998

- 1. The site is within the Metropolitan Green Belt on the adopted Dacorum Borough Local Plan 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. The proposal provides for a self-contained residential use which amounts to inappropriate development in a Green Belt. There are no very special circumstances to justify such a development, which is therefore contrary to Planning Policy Guidance Note No. 2 Green Belts and Policy 3 of the adopted Dacorum Borough Local Plan.**
- 2. The proposal adds a further element of built development on the site which, taken together with the substantial additions that have been made to the original dwelling, is inappropriate in and harmful to the Chilterns Area of Outstanding Natural Beauty.**