



PLANNING

Civic Centre Marlowes
Hemel Hempstead
Herts HP1 1HH

LANDSDOWNE CONSTRUCTION LTD
23 CHESHAM ROAD
AMERSHAM
BUCKS
HP6 5HN

MR & MRS BURNE
FIELD BUNGALOW, WHIPPENDELL FARM
LANGLEY ROAD
CHIPPERFIELD, KINGS LANGLEY
HERTFORDSHIRE,
WD4 9JG

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/00316/99/FHA

FIELD BUNGALOW, WHIPPENDELL FARM, LANGLEY ROAD, CHIPPERFIELD,
KINGS LANGLEY, HERTFORDSHIRE, WD4 9JG
CONSERVATORY

Your application for full planning permission (householder) dated 23 February 1999 and received on 24 February 1999 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 14 May 1999

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00316/99/FHA

Date of Decision: 14 May 1999

1. The site is located within the Metropolitan Green Belt on the adopted Dacorum Borough Local Plan and the Dacorum Borough Local Plan 1991- 2011 Deposit Draft wherein there is a presumption against inappropriate development. Policy 20 of the Dacorum Borough Local Plan (Policy 23 of the Deposit Draft) allows for small scale extensions to dwellings subject to certain criteria. However, whilst the proposed development in itself would represent a relatively minor increase in floorspace, the cumulative increase over the original dwelling would far exceed that permitted under Policy 20 (Policy 23). Furthermore, the conservatory would be sited on the most prominent elevation of the bungalow facing Langley Road and would therefore be unacceptable in visual terms.



Appeal Decision

site visit held on Tuesday, November 02, 1999

The Planning Inspectorate
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Houlton Street
Bristol BS2 9DJ
☎ 0117 987 8927

BN
CR
LK

by G R HOLLAND

PLANNING DEPARTMENT
DACORUM BOROUGH COUNCIL

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

FILE

10 NOV 1999

Received 12 NOV 1999

Appeal : T/APP/A1910/A/99/1027339

- 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 & Mrs Burne against Dacorum Borough Council.
- The site is located at Field Bungalow, Whippendell Farm, Chipperfield, Kings Langley.
- The application (ref:4/00316/99/FHA), dated February 23 1999, was refused on May 14 1999.
- The development proposed is a rear conservatory.

Decision: The appeal is allowed and planning permission granted for a rear conservatory in accordance with the terms of the application [No:4/00316/99/FHA] dated February 23 1999, and the plans submitted therewith, subject to the following conditions:

- (i) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
- (ii) The development hereby permitted shall be constructed in the materials specified in Planning Application 4/00316/99/FHA.

Procedural matters

1. The appeal site lies within the Metropolitan Green Belt, within which there is a strong presumption against inappropriate development, except in very special circumstances. This is in accordance with national policy, as expressed in Planning Policy Guidance 2 [PPG2], and reflected in the approved Hertfordshire Structure Plan [HSP] and the Dacorum Borough Local Plan [DBLP], which together comprise the development plan for the purposes of this appeal. A review of the Local Plan is currently on deposit [RDBLP]. I have attached such weight as is appropriate to this plan, having regard to the advice in paragraph 48 of Planning Policy Guidance Note 1 [PPG1].

The main issues.

2. From the representations and my inspection of the site and its surroundings, I consider that there are two main issues in this appeal. The first is whether the proposal is an appropriate form of development in the Green Belt and, if not, whether there are any very special circumstances which justify it being allowed as an exception to the presumption against inappropriate development. The second issue is the impact of the proposed conservatory on the character of the surrounding area.

Inspector's reasons

3. Field Bungalow is a large single-storey modern dwelling, located amongst paddocks on the western side of Whippendell Bottom, a valley lying in attractive countryside between Chipperfield and Kings Langley. It has a spreading, irregular plan with a substantial detached covered swimming pool block to the north. Well set back from a private access

drive, it appears to be partially set into the sloping ground with terraced garden areas to the east. Other detached residential properties are located close by to the north and east. Most of the south side elevation of the bungalow is visible, across some paddocks, from a raised footpath alongside Langley Road as it climbs Whippenden Hill. The central part of this elevation, including most of the proposed site for the conservatory, is screened by a substantial clump of evergreen trees.

4. I understand that the bungalow was permitted as a replacement dwelling of some 172sqm. in 1979. Since then it has twice been substantially extended by a total of 69sqm. and the very substantial swimming pool block erected as permitted development in 1995.
5. Turning to the first issue, Section 3 of PPG2 identifies residential development and associated buildings as inappropriate within the Green Belt. The proposed conservatory thus must be regarded as inappropriate development. Very special circumstances must be demonstrated if developments are to be allowed as an exception to normal restrictive policies. In addition, inappropriate development is, by definition, harmful to the Green belt. PPG2 states that very special circumstances will not exist unless the harm by reason of inappropriateness, together with any other harm, is clearly outweighed by other considerations.
6. Considering the proposed development in terms of its effect on the purposes of the Green Belt, it seems to me that by reason of its modest size and its location in an internal angle formed by two existing wings of the bungalow, the openness of the Green Belt would not be materially diminished. Further urban encroachment on the surrounding countryside would not occur. Nor would there be any material outward spread of the conurbation or merging of neighbouring towns.
7. DBLP Policy 20 provides for extensions to dwellings in the Green Belt, subject to 5 criteria. It seems to me that the proposed conservatory would satisfy these. It would be modest in size relative to the bungalow to which it would be attached, compact and well related in terms of design, bulk, scale and materials. Sufficient space would be left around the building to protect its setting and the new structure would not be visually intrusive within the countryside. No existing trees would be affected.
8. The Council consider that, whilst the proposed development in itself would represent a relatively minor increase in floorspace, the cumulative increase over the original dwelling would far exceed that permissible under Policy 20.
9. It seems to me that the proposed conservatory, which would be essentially semi-outdoor space and not an integral part of the dwelling, cannot be regarded as increasing the floorspace of the dwelling in the same way as the two substantial extensions permitted in 1987 and 1991, which created additional habitable rooms. I am thus not persuaded that the cumulative increase in size of the bungalow as a result of adding the conservatory should necessarily be regarded as coming into conflict with (e) of Policy 20.
10. In relation to its visual impact, I consider that the conservatory, in its proposed partially enclosed location at a low level, would be relatively unobtrusive when seen from the south. As it would be seen against the background of the large white rendered bungalow, dominated by prominent gables, I am satisfied that the largely transparent structure would have little effect on views from the road or from the private drive to the east. Indeed, by reason of the screening provided by large trees on the site boundary to the west and the dense clump of existing conifers, it seems to me that the conservatory would only be visible

APPEAL DECISION

from the lowest part of Whippendell Hill and then only at a distance. From closer viewpoints, going northwards along the private drive, the structure would be increasingly hidden behind the adjoining detached house and the bungalow itself. The immediate surroundings of the bungalow are already, by reason of its design and form, semi-suburban in character and I am satisfied that the proposed conservatory would not cause any unacceptable further harm to the rural character of the wider area.

11. In my opinion the proposed conservatory would not harm the purposes of the Green Belt, would not come into conflict with the criteria of DBLP Policy 20 and would cause no material harm to the rural character of the area. I have thus come to the conclusion that very special circumstances exist in this case which would justify the grant of planning permission as an exception to the presumption against inappropriate development.
12. In allowing this appeal I propose, in the interests of safeguarding the visual amenities of the area, to impose a condition requiring only the materials specified on the submitted plans to be used in the construction of the conservatory.
13. I have considered all the other matters raised in this appeal, but nothing is of sufficient weight to affect my decision.

Conclusions

14. For the reasons given above I conclude that the appeal should, on balance, succeed and I shall exercise the powers transferred to me accordingly.

GR Hobson