



The Planning Inspectorate

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PLANNING DEPARTMENT	
DACORUM BOROUGH COUNCIL	
Received	23 OCT 1998
Comments	
Your Ref:	N9833B
Our Ref:	T/APP/A1910/A/98/297331/P5
Date:	22 OCT 1998

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 & SCHEDULE 6
APPEAL BY ASH DEVELOPMENTS LTD
APPLICATION NO: 4/00717/98/FUL**

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your client's appeal against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a garage and car port at St Annes Cottage, Dunny Lane, Chipperfield. I conducted a hearing on Tuesday 29 September 1998.
2. From the matters presented to me at the hearing and from my inspection of the appeal site and its surroundings I am of the opinion that the main issues in this appeal are, firstly, whether the proposal would be appropriate to the Green Belt and, if not, secondly whether there are any very special circumstances which outweigh the harm to the Green Belt.
3. The appeal site is situated within the Chipperfield Conservation Area. I intend to have regard to the duty imposed by Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
4. The Development Plan for the area is the Hertfordshire Structure Plan Review 1991-2011, adopted April 1998, and the Dacorum Borough Local Plan, adopted April 1995. The appeal site is located within the Green Belt where Structure Plan Policy 5 and Local Plan Policy 3 make clear there is a general presumption against inappropriate development. These policies are in line with the guidance in Planning Policy Guidance Note 2 Green Belts. Paragraph 3.2 of Planning Policy Guidance Note 2 states that inappropriate development is, by definition, harmful to the Green Belt.
5. The appeal site, area 0.3 ha, fronts the south-western side of Dunny Lane. Dunny Lane runs through open countryside and serves groups of dwellings spread out along its length. The appeal site lies at the north-eastern end of one such group. The proposed garage and car port, a detached building, would be located on a parking area associated with a recently completed detached house, St Annes Cottage. It would be situated at the front of the site, near Dunny Lane and the side boundary of the site. It would stand some 19m from the front elevation of St Annes Cottage. The character of the area derives partly from the group of buildings in the vicinity of the site, but is dominated by the surrounding open countryside.



6. The planning history of the site shows that in January 1998 the Council granted planning permission for the demolition of two bungalows and replacement with two dwellings subject to conditions. Condition 4 removes the permitted development rights of the occupiers in respect of a number of matters, including extensions of the houses.

7. Dealing with the first main issue, Policy 20 of the Local Plan makes clear that the extension of dwellings in the Green Belt will not be permitted unless they are in accordance with five criterion set out in the policy. I have considered the proposal in the light of those criterion. Whilst the design, bulk, scale and external materials of the garage and car port would in keeping with the existing house, my view is that the proposed detached building would not be a compact extension of that building. Given the isolated position of the garage and car port and its close proximity to the highway I consider that it would have a poor relationship with the existing building. For the same reasons my opinion is that the new building would not be well-designed in relation to the size and shape of the plot. The garage and car port would not be visually prominent on the skyline. However, it would diminish the open space in front of the house and would be in a prominent position at the front of the site. It would be seen by passers-by along Dunny Lane through or above any front boundary treatment. My opinion is that any new additional planting on the land between the building and the highway would not completely screen the building from view. I find that the proposed building would consolidate the built-up appearance of the area, thereby harming from its rural character. I find that the proposal would not be in accordance with criterion (a), (b), and (c) of Local Plan Policy 20.

8. Criterion (e) of Local Plan Policy 20 is to be considered in relation to three factors set out in the policy. The character of the area is dominated by the surrounding open countryside. Therefore, the degree of restraint of development and the control over the size of the building should take account of this. The floorspace of the previous St Annes Cottage including garage and outbuildings was about 130 sq metres. The floorspace of the new St Annes Cottage is some 200 sq metres. The floor area of the proposed garage and car port would be about 32 sq metres. My view is that the proposal would be a disproportionate addition over and above the size of the original building. I find that the proposal would not be a limited extension in terms of criterion (e) of Policy 20 and paragraphs 3.4 and 3.6 of Planning Policy Guidance Note 2. I conclude that the proposal would be an inappropriate form of development in the Green Belt.

9. You refer to Policy 4 of the Local Plan which indicates that house extensions will be permitted in selected small villages in the Green Belt, one of which is Chipperfield, provided that the proposal satisfies three criterion set out in the policy. In response the Council state that Policy 4 is not applicable to the proposal because the appeal site does not lie within the village defined on the Proposals Map. Given the distance that the appeal site and the group of houses in the vicinity of the site lies from the edge of the main built-up area of Chipperfield I find that the appeal site is not within the village. Therefore, my view is that the proposal should not be considered in the light of Policy 4. Even if the houses in the vicinity of the site were regarded an isolated group related to the village, I do not consider that the proposal would be in accordance with Policy 4 because it would breach criterion (i) by reason of its visual impact and harm to the rural character of the area.

10. Turning now to the second issue, you refer to other extensions and garages at houses fronting Dunny Lane as well as at Bovingdon Green Lane for which the Council have granted

planning permission. Having seen them from the public highway and considered the Council's comments on those cases I see no good reason to alter my decision in this case.

11. I have read the decision letters which were produced by both sides. Having considered them I have concluded that those decisions were taken in the light of the respective merits of each case and that there is nothing in them that is sufficient to change my decision in this case.

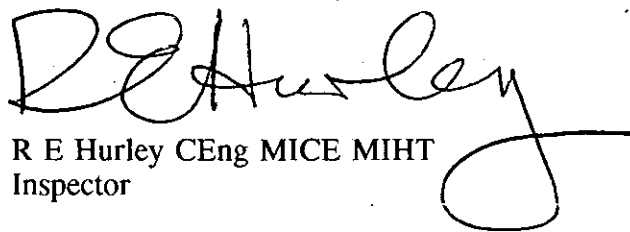
12. I have not attached substantial weight to your argument that the proposal would enable vehicles to stand within a building, thereby removing them from view, because it would be a permanent building whereas the vehicles would be unlikely to be present for long periods of time. If planning permission is granted in this case, in the absence of what I consider to be the very special circumstances to justify the scheme as an exception to the policies, then it could lead to an application for a similar proposal on the adjacent plot which the Council would find hard to resist. The cumulative effect of both buildings would erode the openness of the Green Belt.

13. The dominant features of the Chipperfield Conservation Area appear to be the architecture of the buildings and the historical development of the village in the countryside. My opinion is that the proposal would consolidate the sporadic development in the countryside and would neither preserve nor enhance the character or appearance of the conservation area.

14. I have taken account of all the other matters in the representations, but I am of the opinion that they do not outweigh the considerations that have led me to my decision.

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

Yours faithfully



R E Hurley CEng MICE MIHT
Inspector

APPEARANCES

FOR THE APPELLANT

Mr Nigel Moor FRTPI FRSA
FICPD

Managing Director of RPS Nigel
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Mr A Hutchinson

Ash Developments Ltd

FOR THE LOCAL PLANNING AUTHORITY

Mr P Newton BA(Hons) MRTPI

Senior Planning Officer with the
Authority.

DOCUMENTS HANDED AT THE HEARING.

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| Document 1 | List of persons present at the hearing. |
| Document 2 | Planning permission for demolition of two existing dwellings and erection of two new dwellings at appeal site, including approved drawings. LPA ref: 4/01660/97/FUL. |
| Document 3 | Officer's report of extensions and detached garage at Lavender Cottage, Dunny Lane, Chipperfield. |
| Document 4 A,B & C. | Bundle of three appeal decision letters handed in by the Council. |
| Document 5 | Location plan for garage at Bovington Green Lane. |

PLANS

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| Plan A | Application drawing. |
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