



Appeal Decision

Site visit made on 11 December 2000

by Howard Rose DMS DipTP MRTPI MIWM

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

ED	DP	DC	EC	SS
Rec'd. 22 DEC 2000				File
Comments :				

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Date 20 DEC 2000

Appeal Ref: APP/A1910/A/00/1048975

'Woodcote', Hempstead Road, Bovington

- 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 made by Mr Stockwell against the decision of Dacorum Borough Council.
- The application (ref: 4/00767/00/FHA), dated 18 April 2000, was refused by notice dated 15 June 2000.
- The development proposed is a garage.

Summary of Decision: The appeal is dismissed.

The Appeal Site and its surroundings

1. The appeal site is located on the north west side of Hempstead Road, which is the B4505. The site is directly opposite a hotel, The Bobsleigh Inn. 'Woodcote' is a one of a number of large detached dwellings on substantial plots with considerable mature vegetation on this side of Hempstead Road. The dwelling is set back some distance from the entrance along a winding driveway. The appeal site and the surrounding area are included within the Metropolitan Green Belt.

Planning Policy

2. Where an adopted or an approved plan contains relevant policies, Section 54A of the 1990 Act requires that an application for planning permission or an appeal shall be determined in accordance with the plan, unless material considerations indicate otherwise. The statutory development plan for the area includes the Hertfordshire Structure Plan Review 1991-2011 which was adopted in April 1998. Policy 1 is a broad strategic policy seeking to ensure that new development is carried out within the principles of sustainable development and includes an aim to conserve the key environmental assets of the County including the Green Belt. Policy 2 makes it clear that the design and provisions of development will be expected to help achieve the sustainability aims of the Structure Plan. Policy 5 defines the extent of the Green Belt and places severe restrictions on development within it other than where development is considered to be appropriate or where there are very special circumstances. This reflects national policy for development within such areas as set out in Planning Policy Guidance No.2 (PPG2) 'Green Belts'.
3. Also included is the Dacorum Borough Local Plan which was adopted in April 1995. Policy 3 generally reiterates policy 5 of the Structure Plan in line with the advice in PPG2. Policy 8 requires a high standard of design in all new development and sets out criteria against which proposals will be assessed. Policy 20 deals with extensions to dwellings within the Green Belt and the rural areas and includes a requirement that such development should be limited in size.

4. Also relevant is the deposit draft version of the Dacorum Borough Local Plan 1991-2011 which is currently the subject of a public local inquiry. Policies 3 and 9 generally restate policies 3 and 8 of the adopted Local Plan. Policy 23 repeats policy 20 of the adopted Local Plan with regard to extensions to dwellings within the Green Belt and the rural areas but the supporting text identifies a maximum increase in floorspace of 30% over and above that of the original dwelling as being acceptable within the Green Belt. The weight I have attached to this emerging Plan is in accordance with the advice in paragraph 48 of Planning Policy Guidance No.1 (PPG1), 'General Policy and Principles'.

Main Issues

5. From my inspection of the appeal site and its surroundings and from the written representations, I consider that there are two main issues in this appeal. The first is whether the proposed development would represent an appropriate type of development within the Green Belt. The second, if this is not so, is whether there are very special circumstances in this case which would be sufficient to justify an exception to the general presumption against inappropriate development in such areas.

Reasoning

Whether the proposal would represent an appropriate type of development within the Green Belt

6. On my visit I saw that the proposed garage, which would be a double garage, would be sited in front of the dwelling a short way back from the entrance. I also saw that the property itself has been substantially extended such that it is difficult to identify the form of the original dwelling. The Council contends that the extensions already permitted have extended the floorspace by some 112% over and above that of the original dwelling and that the addition of the proposed garage would increase the floorspace to 133% above that of the original dwelling. However, it is argued on behalf of the appellant that the existing garage, which the Council excluded, should be included within the floorspace of the original dwelling and that the car port which was permitted in 1971, being an insignificant structure, should be excluded from the calculations. On this basis the current extensions to the original dwelling would be significantly reduced and the overall increase including the proposed garage would amount to about 83% above that of the existing dwelling.
7. I am of the view that the existing garage could well have been constructed at the time of the original dwelling and could reasonably be included as part of the original floorspace. However, I consider that the car port is a material factor in assessing the increase in floorspace over and above the original dwelling. It is a structure of some substance and clearly reduces the openness of the Green Belt. Furthermore, I also saw that there is a conservatory on the south western flank wall of the dwelling which appears to be unauthorised. This is not a matter for my consideration in the context of the appeal but it appears to have added to the floorspace over and above that of the original dwelling.
8. As already stated, by including the floorspace of the existing garage as part of the original dwelling the figures for the scale of increase of floorspace over and above that of the original dwelling, would be less than those produced by the Council. However, in spite of this, I consider that the existing extensions already to amount to a substantial increase and the addition of the proposed garage would extend this to a disproportionate increase well beyond the spirit of the advice on extensions to dwellings within the Green Belt in paragraphs 3.4 and 3.6 of PPG2. In this regard, there is no specific advice on the acceptable

scale of increase in the adopted Local Plan. However, I am aware that the policy guidance in the emerging local plan advises that a maximum figure of a 30% increase in floorspace over and above that of the original dwelling should apply. Even the modifications to the assessment suggested on behalf of the appellant would substantially exceed this guidance thereby, in my judgement, conflicting with local and national Green Belt policy.

9. Moreover, it is contended on behalf of the appellant that the proposed garage would be modest in size and would be secluded by the existing vegetation on the site. As such it would not compromise the openness of the Green Belt. However, I disagree. The proposed garage would be seen from outside the appeal site but, more importantly, irrespective of its secluded setting, it would reduce the openness of the Green Belt which is one of the key reasons for including land within it. Consequently, for all the above reasons I conclude that the proposal would represent an inappropriate type of development which, by definition, would be harmful to the Green Belt.

Whether there are very special circumstances to override the presumption against inappropriate development within the Green Belt

10. No specific submissions have been made seeking to demonstrate very special circumstances in this case but I have had regard to certain matters which have been put forward in support of the case on behalf of the appellant. It is argued that the existing garage is unsatisfactory because of the difficulty of access by virtue of the permitted annex to the original dwelling. I saw that it is accessible in terms of its use as a single garage, with the carport in front of it, though I recognise that by virtue of its size and its restricted access it would be difficult use as a double garage. I am also aware that its demolition, together with the carport as an exchange in floorspace with the proposed new garage was not acceptable to the appellant since it is necessary to retain the building as a store for garden machinery. This is apparently required having regard to the size of the plot and the need for substantial equipment to manage it. However, in this regard, I saw a number of other buildings and sheds on the plot which might be suitable for such a use. Nonetheless, irrespective of the possible availability of other storage facilities, I am not persuaded that the retention of the existing garage for storage purposes would be a sound reason for allowing the development of the proposed garage which I have identified as being unacceptable within the Green Belt.
11. It is also asserted on behalf of the appellant that the hotel opposite and a number of properties adjacent to the appeal site have had the benefit of planning permission for large scale extensions. Hence, the Council has been inconsistent in dealing with planning applications for extensions to property in this vicinity. Although I was able to see that there are new developments within the area close to the appeal site I have insufficient information to assess their relevance to this appeal. I have therefore considered this appeal on its merits having regard to the development plan and other material considerations.
12. I have carefully considered the matters which have been put forward on behalf of the appellant in support of the proposed development. However, I do not consider them, either individually or together, to be sufficient to override the strict controls on development within the Green Belt. I therefore conclude that there are no very special circumstances in this case which would be sufficient to justify an exception to the general presumption against inappropriate development in the Green Belt.

Conclusions

13. I find that the proposed development would not accord with the development plan or with national Green Belt policy and there are no material considerations which would suggest a different outcome. I have taken account of all other matters raised but they do not outweigh the main considerations that have led me to my decision.
14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

15. In exercise of the powers transferred to me, I dismiss the appeal.

Information

16. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.

Hanan Rose

INSPECTOR

**Dacorum Borough Council
Planning Department**

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MR STOCKWELL
WOODCOTE
HEMPSTEAD ROAD
BOVINGDON

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/00767/00/FHA

**WOODCOTE, HEMPSTEAD ROAD, BOVINGDON, HEMEL HEMPSTEAD,
HERTS, HP3 0DS
GARAGE**

Your application for full planning permission (householder) dated 18 April 2000 and received on 20 April 2000 has been **REFUSED**, for the reasons set out overleaf.

A handwritten signature in black ink, appearing to read 'Kim Barker'.

Director of Planning

Date of Decision: 15 June 2000

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00767/00/FHA

Date of Decision: 15 June 2000

1. The application site is located in the Metropolitan Green Belt wherein there is strict control over the extension and alteration of existing dwellinghouses. Taking account of previous additions, the proposed detached garage would amount to a disproportionate addition over the size of the original dwellinghouse constituting inappropriate development in a Green Belt area. For the above reasons, the proposal is contrary to national government advice contained in Planning Policy Guidance Note 2, Policy 20 of the Dacorum Borough Local Plan and Policy 23 of the Dacorum Borough Local Plan 1991-2011 Deposit Draft.