



Appeal Decision

Site visit made on 19 February 2001

by Roy Wilson DipTP MRTPI

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

Comments					
Rec'd. 14 MAR 2001					
SS	BC	DC	DP	DA	

FILE COPY

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Date 13 MAR 2001

Appeal Ref: APP/A1910/A/00/1054150

East Lodge, Park Road, Tring.

- 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 Trevor Marwood against the decision of the Dacorum Borough Council.
- The application [ref: 4/00818/00/FHA], dated 26 April 2000, was refused by notice dated 13 July 2000.
- The development proposed is a single storey rear porch.

Summary of Decision: the appeal is dismissed.

Procedural Matters

1. The porch is already built and the planning application was submitted retrospectively. I am therefore dealing with the appeal under Section 73A of the 1990 Act (as amended) as an application for development carried out without planning permission.

The Main Issues

2. East Lodge is situated within the Metropolitan Green Belt, the Chilterns Area of Outstanding Natural Beauty (AONB) and the Tring Conservation Area. The safeguarding of these areas is referred to by the Council in their reasons for refusal of planning permission. From my inspection of the appeal site and the surroundings and from my consideration of the written representations, it appears to me that this appeal turns on 3 main issues. The first is whether the porch is an appropriate development in the Green Belt and if not, whether there are very special circumstances which justify an exception to Green Belt policy. The second is the effect of the porch on the character and appearance of East Lodge. Following on from this, the third issue is the effect of the porch on the character and appearance of the Tring Conservation Area and the AONB.

Planning Policy

3. Planning Policy Guidance Note 2 – Green Belts (PPG2) says that extensions which do not result in disproportionate additions over and above the size of the *original* dwelling are not inappropriate development in the Green Belt. Policy 20 of the adopted Dacorum Borough Local Plan expands on the national policy guidance, requiring the extension to be compact and well related to the existing building in terms of design, bulk, scale and materials. This Policy is repeated in the emerging review of the Local Plan which is at an advance stage of preparation. Policy 8 of the adopted Local Plan says that a high standard is expected in all development proposals. Development will not be permitted unless it is appropriate in terms of, amongst other things, design and materials. This requirement is repeated in Policy 9 of the emerging Local Plan. Policy 90 of the

adopted Local Plan is primarily concerned with the preservation of the beauty of the AONB. Development which would detract from the beauty of the landscape will be refused. One of the many considerations is the requirement that the materials used for a development must fit with the traditional character of the area. This requirement is repeated in Policy 96 of the emerging Local Plan.

4. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of any of the powers under any of the provisions of the planning Acts (which includes the determination of planning applications and appeals) special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. This requirement is embodied in Policy 110 of the adopted Local Plan and Policy 116 of the emerging Local Plan. These Policies say that alterations and extensions are expected to complement and be sympathetic to the established character of the building to be extended.

Inspector's Reasoning

The First Issue – Green Belt

5. A substantial 2 storey extension was added to East Lodge in 1977. The extension, which broadly respects the architectural style of the original house, would in my opinion now be considered to be a disproportionate addition to the original building. The external dimensions of the porch are given as 2.1m by 2.6m on the submitted drawing no. 3. However there appears to me to be some discrepancy between the longer of these dimensions and what has been built. The porch appears to me to be well in excess of 3m on its longest side. Notwithstanding this discrepancy, I do not consider the porch itself to be a substantial structure. It does however add to the amount of extension which has already taken place.
6. Policy 20 of the adopted Local Plan and Policy 23 of the emerging Local Plan establish criteria against which extensions to dwellings in the Green Belt will be judged. One criterion is the amount the building has already been extended. Policy 20 says that the enlargement of the original dwelling must not amount to the creation of a new dwelling on the site. This requirement is not repeated in the emerging Policy 23 which says that any extension which is disproportionately large in relation to the *existing* dwelling will not be permitted. In this respect Policy 23 differs from PPG2 which refers to the *original* dwelling. The Council make no reference to inappropriateness of the porch by reason of a cumulative addition to the size of the original dwelling in support of their refusal of planning permission.
7. A strict interpretation of PPG2 would render the porch inappropriate development in the Green Belt in view of the substantial addition which has already been made to the house. However, in my opinion the porch does not intrude upon the openness of the Green Belt nor does it prejudice any of the 5 purposes of including land in the Green Belt referred to in PPG2. The Council's argument is with the harm to the character of the Green Belt and the requirements of Policies 20 and 23 of the adopted and emerging Local Plans respectively regarding the quality of the design. I discuss the matter of design below in my consideration of the second and third issues. The Council do not appear to object to the size of the porch which in my view is quite modest. Although the porch is inappropriate development in the Green Belt as a consequence of the large

extension which has already been added to the original house, I conclude that its impact on the Green Belt due to its small scale is negligible and an exception to established Green Belt policy can be justified in this case.

The Second Issue – The Effect on the Character and Appearance of East Lodge

8. East Lodge is a detached house set in a generous garden on the southern edge of the built-up area of Tring. The original house was built in the late 19th century in a mock timber frame neo-Tudor style. The external woodwork is painted black and the rendered panels between are finished in white. The steeply pitched roofs of mixed gables, hips and dormers are of plain red clay tiles. The generous overhang of the eaves on the front and west facing side elevation come down to first floor level, about 2.5m above ground level. The front elevation of the 1977 extension reflects the design of the original dwelling. The east facing gable wall and the rear elevation of the extension are of brickwork which matches the colour and texture of the brickwork of the ornate chimney stacks on the original house. There are half dormers at first floor level on the rear elevation of the extension. The design and proportions of the windows are consistent throughout the building with the exception of the porch. Notwithstanding the introduction of brickwork, the extension appears to me to respect the character of the original building. In my experience it is not unusual to find a mixture of brickwork and half timber black and white work on buildings of the 19th century Tudor revival style. East Lodge is not a listed building, but in my opinion it is an attractive and interesting house.
9. The porch is built on a low wall of brickwork which closely matches that of the 1977 extension. The superstructure is of white uPVC framework with top hung opening quarter lights. The roof is of translucent polycarbonate sheets laid to a shallow pitch of about 2.5°. The fascia boards and rainwater goods are finished in black. The design and proportions of the windows do not reflect those in the existing house. The roof of the porch is tucked under the eaves of an adjoining hipped roof on the west side. The appellant uses the porch as a small sun room and says that for this reason it could not have been made smaller. He also argues that there are no public views of the rear of the house or the porch from the open countryside to the south and east.
10. In my opinion the design of the porch and the use of uPVC do not respect the character or the appearance of the host building. In this regard the porch conflicts with the requirements of Policies 20 and 90 of the adopted Local Plan and Policies 23 and 96 of the emerging Local Plan. I am also mindful of the advice in paragraphs 13-20 in Planning Policy Guidance Note 1 which says that good design should be the aim of all those involved in the development process and should be encouraged everywhere. Local planning authorities should reject poor designs, particularly where their decisions are supported by clear planning policies. I am aware that discussions have taken place between the appellant and the Council's officers regarding amendments to the design. It is not open to me to comment on alternative designs. My consideration of the appeal must be based upon the porch as built. I conclude that the porch is an incongruous addition which neither reflects nor respects the character or the appearance of East Lodge.

The Third Issue – The Effect on the Tring Conservation Area and the AONB

11. East Lodge and its garden are at the southern edge of the designated Conservation Area.

I acknowledge that there are no public views of the rear of the house or the porch. However, in my view this argument does not justify acceptance of an inappropriate design. There are likely to be other properties within the designated Conservation Area with private areas not open to public view. Acceptance of a poor design and inappropriate materials in this instance may weaken the Council's position when negotiating on design matters with developers elsewhere in the Conservation Area. Moreover, the porch does not meet the requirements of Policy 110 of the adopted Local Plan or Policy 116 of the emerging Local Plan. For these reasons I conclude that the porch does not preserve the character or appearance of the Conservation Area.

12. The use of uPVC is not traditional to the area and therefore the porch does not fulfil the requirement of Policy 90 (a) of the adopted Local Plan. The impact of the porch on the wider landscape of the AONB is, in my view, very small and of itself insufficient reason to withhold planning permission on that account. However, it lends weight to the arguments against acceptance of the development.

Conclusion

13. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed.

Formal Decision

14. In exercise of the powers transferred to me, I dismiss the appeal and planning permission is refused for a single storey porch at East Lodge, Park Road, Tring.

Information

15. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.



INSPECTOR

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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/00818/00/FHA

**EAST LODGE, PARK ROAD, TRING, HERTS, HP236BU
SINGLE STOREY REAR PORCH**

Your application for full planning permission (householder) dated 26 April 2000 and received on 28 April 2000 has been **REFUSED**, for the reasons set out overleaf.

A handwritten signature in black ink, appearing to read "Alan Bennett".

Director of Planning

Date of Decision: 13 July 2000

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00818/00/FHA

Date of Decision: 13 July 2000

1. Policies of the Development Plan aim to safeguard the local environment. Policy 8 of the Dacorum Borough Local Plan and Policy 9 of the Dacorum Borough Local Plan 1991-2011 Deposit Draft, which are supported by the associated Environmental Guidelines for Small Extensions, seek to promote good design practice on house extensions to protect the environment. Policies 20, 90 and 110 of the Dacorum Borough Local Plan and Policies 23, 96 and 116 of the Dacorum Borough Local Plan 1991-2011 Deposit Draft aim to safeguard the Greenbelt, the Chilterns AONB and Conservation Areas. The proposed extension, by reason of its design and materials, would have an adverse impact on the character and appearance of the existing dwellinghouse, and thereby the Conservation Area, contrary to the above policies.