



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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AL1 3DJ

Your Ref:

DAR.GARDNER

Our Ref:

T/APP/A1910/A/97/277614/P9

Date:

28 AUG 1997

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR R A GARDNER
APPLICATION NO: 4/0835/96

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Dacorum Borough Council to refuse planning permission for a single storey side extension at Old Hall Farm, Gill Hill, Markyate. I held a local inquiry into the appeal on 1 July 1997.
2. The appeal site is located in the Chilterns Area of Outstanding Natural Beauty (AONB) and from all that I have heard and read, and from my inspection of the site and its surroundings, I consider the main issue in this appeal to be the effect of the proposal on the character and appearance of the area, bearing in mind the Development Plan and government planning guidance.
3. The Development Plan comprises the Hertfordshire Structure Plan Review (1991) and the Dacorum Borough Local Plan (1995). The Council has drawn to my attention a large number of Development Plan policies, all of which I have taken into account but, in my view, the most relevant are Policies 5, 20 and 90 of the local plan. These provide, respectively: a general policy context for development in the Rural Area, outside the Green Belt, in which the appeal site is located; a criteria based approach for assessing extensions to dwellings; and policy guidelines for determining planning applications in the Chilterns AONB. I am required to decide the appeal having regard to the Development Plan and to make my determination in accordance with it unless material considerations indicate otherwise.
4. The Council's reason for refusal of your client's application indicates that the proposal is unacceptable in terms of the adopted plan, it not being one of the acceptable uses in the Rural Area as set out in Policy 5. The Development Plan does, however, through this policy clearly provide for the principle of house extensions. They are subject to the criteria set out in Policy 20 which relate to the extension of existing dwellings in the Rural Area, outside the

selected small villages. This was common ground between the two main parties at the Inquiry and I see no reason to disagree.

5. In terms of criterion (a) of Policy 20, I agree with the Council that the proposed extension is well related to the existing building in terms of its proposed design and materials. In my view, some considerable care had been taken over the design of the proposal. The Council considers that it is not "compact" in terms of this criterion, extending the front elevation of the dwelling by some 15.5 metres against a current length of around 25 metres. While this is clearly substantial, I consider that this must be assessed against the form of the existing dwelling. The visual effect of the proposal would be minimised by the lower roof line overall and its variation. A shorter, squat extension, for example, matching the roof line of the existing dwelling would, in design terms, be clearly inappropriate. The Council indicated that proposals for house extensions considered in terms of Policy 20 should be assessed on their merits and, in this respect, I consider that the specific features of the proposal before me do not conflict with this criterion.

6. Turning now to criterion (b), the proposal would extend the dwelling towards the area of woodland to the east of the proposal and to within about 5 metres of 2 existing conifer trees. This, the Council considers, would conflict with the requirement to retain sufficient space around the building to protect its setting and the character of the countryside while the proposal should also be assessed in terms of the domestic curtilage of the appeal premises, rather than the 6 hectares or so in your client's ownership. I consider that for a house of this size, the domestic curtilage can at least be described as substantial. I saw on my site visit that the dwelling has substantial landscaped garden space to south and west. The area of woodland to the north of the dwelling also makes a positive contribution to the space about the dwelling, albeit as woodland in a different way. In any event, I saw that the woodland to the east of the existing dwelling, when viewed from Valley Lane to the west of Valley Cottage, already screens the existing space to the east of the existing dwelling and gives little impression of open space about the dwelling to this side.

7. The Inquiry considered whether the proposal would be visually intrusive, both on the skyline and the open countryside [criterion (c)]. I have determined this case on the basis of the appeal before me but have borne in mind the subsequent identical application for the extension, with added landscaping proposals, as well as that planting already undertaken by the appellant. The main parties at the Inquiry agreed that the existing dwelling and the appeal proposal is, and would be, visible across rising ground from Valley Lane, though not all of the elevation at ground floor level, and with differing opinions of the effect thereby caused from varying viewpoints.

8. I saw on my site visit that the existing house is not seen from Valley Lane against the sky. The background is the woodland to the north, west and east. This would also apply to the proposal. The proposed elevation would also, in part, replace the existing views which, from varying view points along Valley Lane, include the north wing of the house.

9. The visibility of Old Hall Farm is, in my view, the result of its elevated position when viewed from Valley Lane as well as the light coloured finish of the existing dwelling and, particularly, the substantial area of gable on its east flank. This existing gable is, however, screened by the woodland to the east for a substantial proportion of the views westwards from

Valley Cottage. That would also apply to the extension proposed and which would have a lower roof line. The extension, with its subdued brickwork, would screen much of the highly visible gable such that its intrusive presence would be lessened. At those points where the appeal proposal would be visible from Valley Lane it would be set down from the house, seen against a background of woodland and would partly replace a view that already includes the north wing. Here, I have also borne in mind that the raised verge bank on the north side of Valley Lane would limit views of the appeal proposal from a number of vantage points, both for pedestrians and vehicle passengers.

10. The existing house is visible from some points on Gill Hill, generally where the verge trees are thinner. The appeal proposal would be viewed at an angle. Its axis would broadly reflect that of the dwelling such that the visual effect of its length would be reduced, mature trees to the front of the house would partly screen it and it would be seen against a backdrop of woodland. I saw that the recent hedge planting on some sections of both Gill Hill and Valley Lane was limiting views of the property. For the above reasons I do not consider that the proposal conflicts with criterion (c), in terms of its visibility or effect on the open character of the countryside.

11. With regard to criterion (d), the proposal approaches 2 reasonably mature conifer trees and your client indicates that the design of the proposal is intended to accommodate their continued existence. The Council considered that these 2 trees make a minor contribution to the visual quality of the site. I agree. In any event, bearing in mind the other extensive tree cover to the east and the woodland to the north of the proposal, I do not consider that the loss of these 2 trees, if that should result, would justify dismissing the appeal on that ground alone.

12. Criterion (e) requires dwelling extensions in the Rural Area to be limited in size, this being judged against three factors. With regard to (i), the Council agreed at the Inquiry that the local plan at Policy 5 gives no guidance on the appropriate degree of restraint appropriate in the Rural Area, this needing to be judged on the individual merits of specific cases. In respect of (ii), concerning the location of the building, I do not accept the Council's view that the proposal is extremely isolated, its location near Markyate and the proximity of other dwellings indicating otherwise. It is, however, located in the countryside and I agree with the Council that this requires control over the size of dwelling extensions. At the Inquiry, both main parties agreed that the proposal amounted to a floorspace increase of 143 sq. metres, some 16.8%, compared to the existing dwelling. In terms of additional floorspace this is considerable but, bearing in mind the size of the existing dwelling, that the extension's design is clearly subservient to it, and its relationship to the appeal site which I have set out, I find the proposal is acceptable in this respect.

13. Turning to (iii), relating to the amount that the building has already been extended, I have taken into account the past planning history of the appeal premises, particularly that development granted planning permission in July 1990 (Ref: 4/0592/90) which broadly established the existing dwelling. Although the Council properly indicates that there has been a dramatic change to the derelict cottage that originally occupied the site, I take the view that it is appropriate to assess the proposal before me on the basis of its effect on the existing dwelling, to which the appeal proposal would be added as an extension, rather than on the basis of the re-building and re-modelling that has taken place in respect of the original

cottage. In my view, the proposal does not conflict with this part of Policy 20 of the adopted plan.

14. Policy 90 of the adopted plan seeks to preserve the beauty of the Chilterns AONB and establishes guidelines for assessing planning applications for new development. For the reasons that I have set out, I do not consider that the proposal would be intrusive in terms of its appearance, the proposal would be well designed and sympathetically sited with no adverse effect on the skyline. The materials proposed for the extension would not adversely affect the character of the area.

15. Your client and the Council disagree as to whether the proposal would comply with Planning Policy Guidance Note 7: The Countryside - Environmental Quality and Economic and Social Development [PPG7(revised)], particularly bearing in mind the location of the site in an AONB. Paragraphs 4.7 and 4.8 of PPG7 indicate that, in AONBs, the primary objective of designation is the natural beauty of the landscape and that a major consideration in the assessment of new development proposals is their environmental effect. For the reasons I have indicated I do not consider that the proposal conflicts with this part of government guidance. As the proposal comprises an acceptable extension to an existing dwelling, albeit that dwelling can fairly be described as being in open countryside, I do not consider that the extension conflicts with paragraph 3.21 of the guidance and the proposal would be consistent with the government's wish to safeguard the countryside for its own sake as set out in paragraph 2.14.

16. Taking all these matters into account, my conclusion on the main issue is that the proposal would not adversely affect the character and appearance of the area and would not conflict with the Development Plan and with government planning guidance.

17. At the Inquiry both main parties agreed that, were I to be minded to allow this appeal, in addition to the normal condition relating to the commencement of the development, a condition relating to materials to be used on external surfaces would be appropriate. This, in the interests of visual amenity at a location within an AONB, I intend to impose, its wording reflecting the advice in Circular 11/95. Your client also indicated his willingness to accept a condition requiring the demolition of the existing barn in an attempt to meet the concerns of the Council. As, in my view, the proposal before me is acceptable on its specific merits, such a condition is unnecessary.

18. I have taken into account all the other matters raised, including the view of the Council that, within the Chilterns AONB, development should be subordinate to the theme of the AONB. I see no conflict in this respect. I have also considered all the other Development Plan policies drawn to my attention by the Council but neither those, nor any other matter raised, outweigh the main considerations that have led me to my decision.

19. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for a single storey side extension at Old Hall Farm, Gill Hill, Markyate in accordance with the terms of the application (No 4/0835/96), dated 25 June 1996, and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter; and
2. no development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.

20. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.

21. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully



PETER F DAVIES BSc Dip TP MRTPI
Inspector

APPEARANCES

FOR THE APPELLANT

Mr D A Raine - Solicitor, of Ottaways Solicitors, The Mansion, 1 St Peter's Street, St Albans, Herts. AL1 3DJ

He called:

Mr R A Gardner - The appellant

Mr J Whalen BA BArch RIBA - Partner, Clarke and Whalen, Chartered Architects, 69B High Street, Harpenden, Herts. AL5 2SL

Miss K A Gillings Dip LA ALI - Principal, cHOROS Landscape Architects, 63 High Street, Codicote, Hitchin, Herts. SG4 8XD

Mr D Lane BSc(Hons) Dip TP - Principal, David Lane Associates, Chartered Town Planners, 3 College Street, St Albans, Herts. AL1 3JE
Dip TP MRTPI

FOR THE LOCAL PLANNING AUTHORITY

Mrs A Walker - Senior Solicitor, Dacorum Borough Council

She called:

Miss A Bochnacki BSc(Econ) - Principal Planning Officer, Dacorum Borough Council
Dip TP MRTPI

Mrs R L Chapman BSc MSc - Head of Landscape Services, Dacorum Borough Council
(Oxon)

DOCUMENTS

Document 1 - List of persons present at the Inquiry

- Document 2 - Council's letter of notification of the Inquiry and list of persons notified
- Document 3 - 3 letters of support received following the Council's letter of notification
- Document 4 - Appendices 1 and 2 of Mr Whalen's evidence
- Document 5 - Appendix to Miss Gillings' evidence
- Document 6 - Appendices 1 and 2 of Mr Lane's evidence
- Document 7 - Appendices A to F of Miss Bochnacki's evidence
- Document 8 - Appendix to Mrs Chapman's evidence
- Document 9 - Copy of Enforcement Notice relating to Old Hall Farm, Gill Hill, Markyate, dated 7 April 1995
- Document 10 - Copy of letter and enclosure relating to the comments of the Council's Woodlands Officer on application 4/0835/96, dated 2 June 1996
- Document 11 - Statement agreed by the Council and the appellant relating to the existing floorspace at Old Hall Farm and the appeal proposal

PLANS

- Plan A - Application plan, No 4376/07, comprising a site plan, dated June 1996
- Plan B - Application plan, No 4376/04 indicating the appeal proposals, dated January 1996
- Plan C - Application plan, No 4376/06 comprising a block plan, dated April 1996
- Plan D - Application plan, No 4376/07 comprising a cellar plan
- Plan E - Dacorum Borough Local Plan, Proposals Map, Sheet 3
- Plan F - No 655:01A, indicating proposed tree soft planting, dated January 1997
- Plan G - Site plan, showing ownership of adjoining land
- Plan H - Old Hall Farm, elevations as existing and proposed

Plan I

- Old Hall Farm, part of the south elevation including the appeal proposal

PHOTOGRAPHS

Photographs

- 2, unnumbered, accompanying the planning application

Photographs

- Of the existing site, Nos 1-12, referred to by Miss Gillings

Photographs

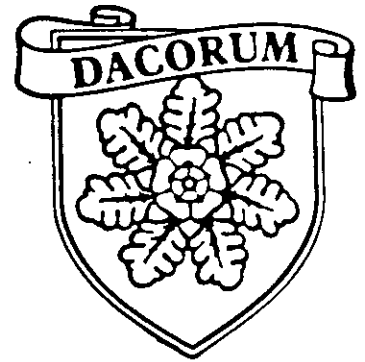
- Of the existing site taken during summer months (June) before and after new planting, 3 not numbered, others numbered 5A, 6A, 6B, 7A, 7B, 9A, 9B, 10A, and 10B, referred to by Miss Gillings

Photographs

- Of Old Hall Farm, south elevation, before the 1991 alterations and in 1996, numbered 7 and 8, referred to by Mr Whalen

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref. No. 4/0835/96

Mr R A Gardner
Old Hall Farm
Gill Hill
Markyate
HERTS

Clarke and Whalen
69b High Street
Harpenden
Herts
AL5 2SL

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

Old Hall Farm, Gill Hill, Markyate

SIDE EXTENSION TO FORM SWIMMING POOL, SAUNA AND JACUZZI

Your application for *full planning permission (householder)* dated 25.06.1996 and received on 27.06.1996 has been **REFUSED**, for the reasons set out on the attached sheet(s).

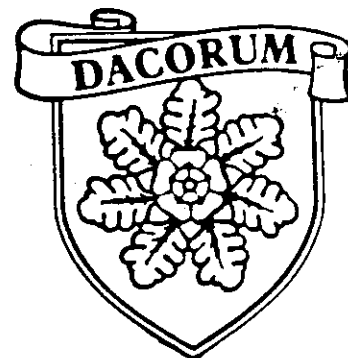
Director of Planning

Date of Decision: 19.08.1996

(encs. - Conditions and Notes).

CONDITIONS APPLICABLE
TO APPLICATION: 4/0835/96

Date of Decision: 19.08.1996



The site is within a rural area beyond the 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. No such need has been proven and the proposed development is unacceptable in the terms of this policy. The proposed extension is excessive and unwarranted in this location and would damage the character of the countryside contrary to policy 20 of the Dacorum Borough Local Plan.