



Appeal Decision

site visit held on 14 March 2001

by Robin Jacques MSc BSc(Hon) Arch) RIBA FRSA

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

ED	CE	PP	DO	OS
Rec'd. 24 APR 2001				The Planning Inspectorate Telgate House, Haulton Street Bristol BS2 9DJ Tel 0117 987 8927
Comments:				File
				date:

23 APR 2001

Appeal Ref: APP/A1910/A/00/1054685

The Larches, Northchurch Common, Berkhamsted

- 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 and Mrs Rance against Dacorum Borough Council.
- The application (4/01498/00/FHA) dated 14 August 2000, was refused by notice dated 9 October 2000.
- The development proposed is the construction of a conservatory to the rear of the property.

Summary of Decision: The appeal is dismissed.

Point of Clarification

1. The site lies within the Metropolitan Green Belt, and in the Chilterns Area of Outstanding Natural Beauty, as defined in the Hertfordshire Structure Plan Review 1991-2011 and the Dacorum Borough Local Plan.

The Main Issue

2. I consider that the main issue in this case is whether the proposal would be an inappropriate development harmful to the function and purpose of the Green Belt, and if so, whether there are any material considerations that would outweigh the harm to the Green Belt, thus constituting the very special circumstances needed to set aside the presumption against the proposal.

The Development Plan and other Planning Guidance

3. The Development Plan includes the Hertfordshire Structure Plan Review 1991-2011, adopted April 1998 (HSPR), and the Dacorum Borough Local Plan, adopted April 1995 (DBLP). Policy 5 of the HSPR deals with the control of development within the Green Belt. This provides that in the Green Belt there is a presumption against inappropriate development and permission will not be given, except in very special circumstances, for purposes other than those defined in Planning Policy Guidance Note 2: *Green Belts* (PPG2). Policy 42 sets out the framework for the prevention of adverse effects on the character, appearance and conservation of the Chilterns Area of Outstanding Natural Beauty (AONB)
4. Policy 3 of the DBLP sets out the general framework for control of development in the Green Belt, and refers to Policy 20 with regard to house extensions. Policy 20 states that an extension to an existing dwelling in the Green Belt will not be permitted unless, amongst other things, it is compact and well related to the existing building and the space around it and,

under criterion e), it is limited in size. Criterion (e)(iii) refers to the amount that a building has already been extended. In particular, the enlargement of the original dwelling must not amount to the creation of a new dwelling on the site. An original dwelling is defined as the house as it was built, or as it existed at the beginning of July 1947, whichever is later.

5. The emerging DBLP 1991-2011 Deposit Draft, as published in October 1998 (DBLP/DD), is subject to a Public Inquiry which commenced in March 2000. The Inspector's Report is awaited. Policy 3 of the DBLP/DD sets out the general framework for development control in the Green Belt, and refers to the possibility of limited development, including the extension of existing houses as set out in Policy 23. This largely reiterates the provisions of Policy 20 of the adopted DBLP, but Criterion (e)(iii) is proposed to be modified, and it states that any extension which is disproportionately large in relation to the existing dwelling will not be permitted. Supporting paragraphs propose a quantitative limit on the size of extensions which will be permitted in the Green Belt, which is to be less than 30% of the size of the original dwelling. The original dwelling is defined as in the DBLP. In view of the progress towards adoption which this emerging plan has reached, I have given it only moderate weight.

Reasons

6. PPG2 contains a presumption against inappropriate development in the Green Belt, with specifically defined exceptions. One of these is the limited extension, alteration or replacement of existing dwellings. This is subject to the proviso, in paragraph 3.6, that it does not result in disproportionate additions over and above the size of the original building. The Development Plan requires that the size of extensions should not amount to the creation of a new dwelling on the site.
7. The Council indicate that the original dwelling of 110m² was extended to its present floor area of 215m² following planning permission granted in 1993 (Ref No 4/0564/93), an increase in size of about 95.5%. The proposal would add a further 34.82m², resulting in a total increase of 127%. Notwithstanding some confusion over typographical errors and syntax in the appeal submissions, it appears to me that these figures are not in dispute, and I have dealt with the appeal on that basis. The total of the proposed conservatory and the previous extension would be substantially more than double the floor area of the original building. In my view, this increase in size would amount to a disproportionate addition.
8. The Council proposes, in the emerging DBLP/DD, to set an upper limit for extensions in the Green Belt of 30% of the size of the original dwelling. Although this may yet be subject to modification, in that context the proposal would also be seen to be a disproportionate addition. I conclude, therefore, that the proposal would be inappropriate development which is, by definition, harmful to the Green Belt. It would therefore be in conflict with the aims and objectives of Policies 5 and 6 of the HSPR, Policies 3 and 20 of the DBLP, and Policy 23 of the DBLP/DD.
9. I have considered whether there are very special circumstances which justify an exception to the presumption against inappropriate development in the Green Belt. I acknowledge that the plot is large, and that the proposal would be well screened by its position, the

topography, and substantial hedging. However, visibility is not a determining factor in Green Belt cases. In my view, the position of the proposed conservatory would be well related to the existing dwelling, and the space around it, and it is not disputed that the proposal would not adversely affect the quality of the landscape in the AONB. However, neither the quality of the design or the absence of harm to the landscape are very special circumstances which can justify inappropriate development.

10. The appellants indicate that the original dwelling was small compared to others nearby, and that past unimplemented planning permissions were equivalent in total area. The purpose of adopting a reference date for the original size of the dwelling is to protect the Green Belt against the cumulative effects on its openness of successive small extensions. The previous planning permissions were decisions made before the current Development Plan was adopted, and before the current PPG2 came into force. In my view, neither these reasons, nor any others in this case, constitute very special circumstances that would justify allowing inappropriate development in the Green Belt.

Other Matters

11. I have considered all other matters, including the written representations of interested parties in support of the proposal. It is not disputed by the Council that it has recently given planning permission for another conservatory, said by the appellants to be under similar circumstances to this one. However, all the circumstances of that case are not before me, and I have considered this case on its own merits. Neither these, nor any other matters, outweigh my conclusion that the proposal would be contrary to the relevant policies of the Development Plan for the protection of the Green Belt, and I conclude that the appeal should not succeed.

Formal Decision

12. In exercise of the powers transferred to me I dismiss this appeal.

Information

13. 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 six weeks from the date of this decision.



INSPECTOR

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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/01498/00/FHA

THE LARCHES, NORTHCHURCH COMMON, BERKHAMSTED,
HERTFORDSHIRE, HP4 1LR
CONSERVATORY

Your application for full planning permission (householder) dated 14 August 2000 and received on 17 August 2000 has been **REFUSED**, for the reasons set out overleaf.

Daniel Noble

Development Control Manager

Date of Decision: 09 October 2000

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/01498/00/FHA

Date of Decision: 09 October 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. The proposed extension (taking account of previous additions) 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.