



Appeal Decision

Hearing held on 19 September 2000

By Howard Rose DMS Dip

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

	ED	DP	DC	BC	SS
Rec'd. 02 OCT 2000					Comments:
TP MRTPI MIWM					Date

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28 SEP 2000

Appeal Ref: APP/A1910/A/00/1042571

Tall Pines, Cholesbury Road, Wigginton

- 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 & Mrs P W Robinson against the decision of Dacorum Borough Council.
- The application (ref:4/01801/99/FHA), dated 18 October 1999, was refused by notice dated 2 December 1999.
- The development proposed is a two storey side extension and replacement double garage.

Summary of Decision: The appeal is dismissed.

The Appeal Site and its surroundings

1. The appeal site is on the south side of Cholesbury Road a short distance west of its junction with Chesham Road. The existing dwelling is a large detached two storey house positioned centrally on the plot and reached by an access road which winds through trees. The surroundings are well wooded and include sporadic development of mostly large dwellings on substantial plots. The appeal site and the surrounding area are located within the Metropolitan Green Belt and the Chilterns Area of Outstanding Natural Beauty (AONB).

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. Policies 1 and 2 seek to enable development in the County to be carried out consistently with the principles of sustainable development and to ensure that the design and provisions of development help achieve the sustainability aims of the Plan. Policy 5 defines the extent of the Green Belt and places severe restrictions on development within it, other than that which is identified as appropriate or where there are very special circumstances. This is in line with national policy for such areas as set out Planning Policy Guidance No.2 (PPG2) 'Green Belts'. Policy 42 indicates that development which would adversely affect the special character, appearance and conservation of the Chilterns AONB will not be permitted.
3. Also included is the Dacorum Borough Local Plan, which was adopted in April 1995. Policy 3 reiterates the strict controls on development within the Green Belt. Policy 20 allows for the extension of dwellings in the Green Belt, provided that such development is compact and well related to the existing dwelling. The amount that the dwelling has already been extended will be taken into account. Policy 21 allows for the replacement of dwellings in the Green Belt provided they are not larger than the existing dwelling other

than for a similar allowance in respect of extensions under policy 20. Policy 8 expects a high standard in all development proposals while policy 90 generally restates the intention of policy 42 of the adopted Structure Plan with regard to the Chilterns AONB.

4. Also relevant is the deposit draft version of the Dacorum Borough Local Plan (1991-2011) which was published in October 1998 and has been the subject of a public local inquiry. Policies 3, 9, 23, 24 and 96 generally repeat and augment the quoted policies of the adopted Local Plan. The weight I have attached to this Plan is in accordance with the advice in paragraph 48 of PPG1, 'General Policy and Principles'.

Main Issues

5. From my inspection of the appeal site and its surroundings and from all else that I have seen and heard I consider that there are three main issues in this appeal. The first is whether the proposal represents 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 sufficient to justify an exception to the general presumption against inappropriate development within such areas. The third is the effect of the proposal on the character and appearance of this part of the Chilterns AONB

Reasoning

Whether the proposal would be appropriate development in the Green Belt

6. As indicated, the appeal site lies within the Metropolitan Green Belt where there are strict controls on development. The extension, alteration or replacement of an existing dwelling is considered to be appropriate provided that it does not result in disproportionate additions over and above the size of the original dwelling. The Council contends that the replacement of the original bungalow by the current dwelling in 1996 has already increased the floorspace by about 84.6% although it is accepted that the footprint has not changed significantly. The Council further argues that the current proposal must be considered against the background of the increase in floorspace resulting from the replacement dwelling. This, it maintains, is necessary, even though the current proposal would only increase the floorspace of the existing dwelling by a further 24%. Moreover, this is within the guidelines currently operated by the Council in dealing with extensions to dwellings within the Green Belt in the context of policy 23 of the emerging Local Plan. I recognise that nothing within policy 23 indicates that there are restrictions on extensions to replacement dwellings in the Green Belt which would fall within the 30% guideline operated by the Council. Nonetheless, paragraph 1.4 of PPG2 makes it clear that the most important attribute of Green Belts is their openness and a key aim of Green Belt policy at both national and local level is to protect this openness.
7. The replacement of the original bungalow by the existing dwelling which has a greater volume and mass than the original has already reduced the openness of the appeal site. Hence, in my judgement, to exclude what has already taken place on the site from consideration of the current appeal would be outside the spirit of the intention of Green Belt policy. This requires that what was originally on the site should be the bench mark. In the circumstances, the increase in floorspace in 1996, albeit a replacement, together with the current proposal for a further 58 sq metres of habitable floorspace and 38 sq metres for a detached garage would result in a total increase of about 130% over and above the original dwelling. I am aware that the present proposal is a modification to an earlier proposal

which reduces the floorspace by the exclusion of a proposed workshop attached to the proposed side extension. This earlier proposal was the subject of an unsuccessful planning appeal (ref: T/APP/A1910/A/99/1023250/P8) in August 1999. In that case the Inspector concluded that an extension and garage of the size and appearance proposed would harm the openness of the Metropolitan Green Belt and the Chilterns AONB.

8. The current proposal is for a reduced scheme. However, I consider that the proposed increase in floorspace when added to that resulting from the replacement of the original bungalow, even allowing for the removal of the existing asbestos garage, would amount to a disproportionate increase. This would be contrary to the aim of local and national Green Belt policy as set out in the development plan and PPG2. Moreover, the extension and garage, while lesser in scale and mass than the previous scheme, would visually reduce the openness of the Green Belt which is a key reason for including land within it. I therefore conclude that the proposal represents an inappropriate type of development which, by definition, would be harmful to the Green Belt.

Whether there are very special circumstances which would overcome the conflict with policy

9. I now turn to consider whether there are very special circumstances which would justify an exception to the restrictions on development within the Green Belt. In this regard, the appellant has cited a number of other developments which have taken place on the property immediately to the south west of the appeal site known as 'The Cedars', which is also a replacement dwelling, as well as others in the vicinity.
10. With regard to 'The Cedars', from what I have seen and heard, the outbuildings which were apparently permitted in December 1999, were justified on grounds of forestry management; the conversion of the integral double garage to living accommodation prior to this was permitted development because there was no condition attached to the planning permission for the replacement dwelling which prevented this; the porch attached to the converted garage was apparently approved in 1998 but I have no information concerning the basis of its planning permission; and the triple garage was approved in November 1999 by the Committee against the advice of the officers recommending refusal on the grounds of conflict with Green Belt policy. I find this last decision perplexing but I have no specific information which clearly sets out the reasons why the officers' recommendation was overturned. Nonetheless, it does not persuade me that the current appeal comprising an extension to the habitable floorspace as well as a double garage should be allowed.
11. I have also considered the other planning permissions referred to by the appellant at Sycamore Cottage, Chesham Road; Beeches Farm, The Twist; Wayside, Chesham Road; and Little Farfield, Chesham Road, but I have seen nothing among these which convinces me that the Council has been inconsistent in dealing with such planning applications. I fully understand the desire of the appellant to extend his property in the way proposed but having carefully considered all the above matters I am not persuaded that there are grounds in this case which would overcome the conflict of the proposal with Green Belt policy.
12. The appellant also refers to the need for log storage if the existing garage is removed and also the need for more space for his growing family but again I am not persuaded that these are compelling reasons to override the strict controls on development in the Green Belt. I therefore conclude that there are no very special circumstances in this case sufficient to justify an exception to the general presumption against inappropriate development within the Green Belt.

The effect of the proposal on the character and appearance of the Chilterns AONB

13. The primary objective of the designation of AONB's is the preservation of the natural beauty of the landscape. The area immediately surrounding the appeal site is well wooded but, even though the trees were in full leaf on the day of the hearing, I was able to see the existing dwelling through the trees along the roadside frontage. The light colours of its construction materials contribute to the visual prominence of the dwelling in this secluded location. I consider that, the removal of the existing rather unsightly garage would be visually beneficial. However, the mass of the proposed extension and the adjacent double garage, which in my view would need to match the appearance of the existing dwelling, would add significantly to the amount of built development which would be seen from the road. It would be possible to reduce this visual impact with increased landscaping which could be secured by the inclusion of a planning condition in the event of the appeal being allowed. However, this, in my view, would not overcome the conflict of the proposed increase in built development with the aim of preserving the natural beauty of the landscape. Consequently, I conclude that the proposed development would unacceptably harm the character and appearance of this part of the Chilterns AONB.

Conclusions

14. 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, including the support for the proposed development from interested persons and organisations, but they do not outweigh the main considerations that have led me to my decision.
15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

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

Information

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

Howard Rose

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr P Robinson FPC	Appellant
Mrs L Robinson	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mrs J Ambrose BA BTP MRTPI	Senior Planning Officer
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INTERESTED PERSONS:

Councillor R Jameson	Ward Councillor, Dacorum Borough Council
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DOCUMENTS

Document	1	List of persons present at the Hearing.
Document	2	Council's Letter of Notification of the Hearing and list of those notified.
Documents	3.1-3.3	Letters from interested persons and organisations.
Documents	4.1-4.3	Officers reports on proposals at Beeches Farm, Wayside and Little Farfield, provided by the Council.
Documents	5.1-5.4	Officers reports and other correspondence on proposals at Sycamore Cottage, Beeches Farm, Wayside and Little Farfield, provided by the appellant Council.

PLANS

Plans	A1-A6	Application plans
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**Dacorum Borough Council
Planning Department**

Civic Centre Marlowes
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MR & MRS P ROBINSON
TALL PINES
CHOLESBURY ROAD
WIGGINTON, TRING
HERTS
HP23 6JQ

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/01801/99/FHA

**TALL PINES, CHOLESBURY ROAD, WIGGINTON, TRING, HERTS, HP236JQ
TWO STOREY SIDE EXTENSION AND REPLACEMENT GARAGE**

Your application for full-planning permission (householder) dated 18 October 1999 and received on 19 October 1999 has been **REFUSED**, for the reasons set out overleaf.

A handwritten signature in black ink, appearing to read 'G. B. B. B.', written over a horizontal line.

Director of Planning

Date of Decision: 02 December 1999

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/01801/99/FHA

Date of Decision: 02 December 1999

1. The site is located in the Metropolitan Green Belt on the adopted Dacorum Borough Local Plan wherein there is strict control over built development. Planning permission was granted for a replacement dwelling on this site in 1995 (4/1436/94). This proposed extension and garage would amount to a significant increase in built development on the plot, when the increase in floorspace permitted under reference 4/1436/94 is taken into account. The proposal would therefore be detrimental to the open character of this rural Green Belt area contrary to the aims of Policies 20 and 21 of the Dacorum Borough Local Plan, Policies 23 and 24 of the Dacorum Borough Local Plan 1991-2011 Deposit Draft and national advice contained in Department of the Environment Planning Policy Guidance Note 2.
2. The proposal adds a further element of built development on the site which, taken together with the significant increase above the original dwelling, is inappropriate in and harmful to the Chilterns Area of Outstanding Natural Beauty.