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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/01867/98/RET

BENET COTTAGE, CHEQUERS HILL, FLAMSTEAD, ST. ALBANS, HERTS, AL3
8EU
SINGLE STOREY REAR EXTENSION AND REPLACEMENT GARAGE ROOF

Your application for retention of development already carried out dated 25 October 1998 and received on 27 October 1998 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 26 November 1998

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/01867/98/RET

Date of Decision: 26 November 1998

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 would amount to a disproportionate addition over the size of the original dwellinghouse when the amount the dwelling has already been extended 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 Policy 20 of the Dacorum Borough Local Plan and national advice contained in Department of the Environment Planning Policy Guidance Note 2, Green Belts.



The Planning Inspectorate

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Your Ref:

Our Ref:
T/APP/A1910/A/99/1018684/P8

Date:

15 JUN 1999

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NO: 4/01867/98/RET

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your appeal against the decision of Dacorum Borough Council to refuse planning permission for rear single storey kitchen extension and new garage roof at Benet Cottage, Chequers Hill, Flamstead. I have considered all the written representations together with all other material submitted to me. I inspected the site on 25 May 1999.

2. Prior to considering the main issue raised by this appeal I wish to clarify 2 matters. Firstly, although the Council's notice of refusal of planning permission referred to the retention of development already carried out, they now accept that work on the appeal proposal has not started. I shall therefore determine this appeal on the basis that planning permission is not being sought for development carried out before the date of the application. Secondly, notwithstanding the description given on the application form, it is clear from the accompanying drawings and the written representations that the appeal proposal would also involve changes in the roof line, and construction of a first floor dormer window, at the rear of Benet Cottage. As the Council's refusal of planning permission relates to the proposed development shown in the application drawings, I shall determine this appeal on the basis of those plans.

3. In the light of this background, and from my reading of the written representations and my inspection of the site and its surroundings, I consider that the main issue in this appeal is whether the proposal represents an appropriate form of development having regard to the presumption against inappropriate development which applies in the Green Belt and, if not, whether there are any very special circumstances that justify it.

4. I am required by Section 54A of the Town and Country Planning Act 1990 to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan for this locality is the Hertfordshire Structure Plan Review 1991-2011 (HSPR) adopted in

April 1998 and the Dacorum Borough Local Plan (DBLP) adopted in April 1995. The Council also draw attention to the draft of the First Review of the DBLP (DBLPDD) placed on deposit between November 1998 and January 1999. I attribute the DBLPDD weight in accordance with the advice in paragraph 48 of PPG1(Revised). It is common ground that the appeal site is in a rural area within the Metropolitan Green Belt.

5. The Council refer to a number of existing and draft development plan policies. In my view, those of most relevance to the main issue in this appeal are Policy 5 of the HSPR, Policy 20 of the DBLP, and Policy 23 of the DBLPDD. These policies reflect the advice now contained in PPG2(Revised) by severely restricting development in the Green Belt. In particular, Policy 20 of the DBLP allows for the extension of existing dwellings in the rural area only if certain criteria are met, including a requirement that the extension is limited in size. Policy 20 goes on to provide that extensions will be judged against the amount the building has already been extended, and indicates that control over size will be tightly applied at isolated locations in the countryside. Although Policy 23 of the DBLPDD has broadly similar objectives, the accompanying text seeks to ensure that only very small scale (in aggregate) extensions-defined as less than 30% of the original dwelling-are permitted. These provisions are consistent with the advice in paragraph 3.6 of PPG2(Revised) that, provided it does not result in disproportionate additions over and above the size of the original building, the extension of dwellings is not inappropriate in the Green Belt.

6. You refer to paragraph C5 in Annex C of PPG2(Revised), which describes the aggregate ground floor area of existing buildings as the relevant area for certain purposes. Nevertheless, paragraph 3.4 of PPG2(Revised) indicates that Annex C only relates to major existing developed sites in the Green Belt which have been specifically identified in the adopted local plan; as Benet Cottage is not part of such a site, paragraph C5 is not relevant to this appeal. I recognise that PPG2(Revised) does not define "size" for the purposes of determining whether or not an extension is disproportionate. However, it is, in my view, reasonable to consider a number of factors, including changes in the volumes, footprints and floor areas of buildings, in order to assess the size of proposed additions:

7. It appears to be common ground that the original cottage had a floor area of about 100 sq m, and that the footprint of the proposed kitchen extension would be some 15 sq m. Moreover, you do not dispute the Council's suggestion that the first floor dormer would add a further 2 sq m. of floorspace, or challenge their calculation that, as a result of extensions in the 1970s and 1980s the floorspace of the dwelling (including the detached double garage) is now almost 200 sq m - a 100% increase. You suggest that the existing detached double garage replaced a similar sized summerhouse type building in 1975. Given that the application drawings show that the garage has an area of about 30 sq m, these figures indicate that the overall floorspace of the cottage itself is now some 70% greater than the original.

8. The appeal proposal would add a further 17 sq m of floorspace at the cottage, thereby raising the overall increase compared with the original dwelling to 87 sq m or almost 90%. Moreover, the proposed new roof for the garage, replacing the present virtually flat one, would materially increase the volume of that structure. I consider that these increases, taken together with the various incremental additions which have been made since the cottage was built, would be such that the appeal proposal would result in disproportionate additions over and above the size of the original buildings. The appeal proposal is therefore not consistent with the existing and draft development plan policies quoted above, or with the requirements of PPG2(Revised). Accordingly, I conclude that the appeal proposal would be an inappropriate form of development in the Green Belt.

9. That is not the end of the matter, as it is necessary to consider whether there are any very special circumstances that might otherwise justify the development. This is a balancing exercise in which any harm caused to the Green Belt by reason of inappropriateness, and any associated harm to the countryside, must be weighed against the merits of the proposal. PPG2 (Revised) points out that inappropriate development is, by definition, harmful to the Green Belt, and that it is for the applicant to show why permission should be granted.

10. You argue that the kitchen extension is needed to adapt the house to suit the family's requirements. Nevertheless, that does not, in my opinion, justify a further increase in the size of a dwelling which is already considerably larger than it was originally. Although I accept that the proposed extension would not be visible from the surrounding area, I consider that it would conflict with the Green Belt purpose of safeguarding the countryside from encroachment, and would set a precedent for similar developments elsewhere in the rural area. I therefore conclude that, so far as the proposed extension to the cottage is concerned, you have not demonstrated that there are circumstances of such a very special nature as to outweigh the harm to the Green Belt by reason of inappropriateness which I have identified.

11. So far as the garage is concerned I note that some similar structures in the vicinity, including the garage at Bowling Cottage, have pitched roofs. I therefore share your view that the proposed pitched roof would be more in keeping with the area than the existing flat roof. Like you I also consider that the replacement roof would improve the appearance of the garage as seen from Chequers Hill; I note, too, that the Council have no objections to the proposed re-roofing of the garage. In these circumstances, I am persuaded that, so far as the garage is concerned, there would be positive benefits from the proposed new roof which would be sufficient to outweigh the harm to the Green Belt by reason of inappropriateness which I have identified.

12. You refer to the planning permission (ref:4/0204/99) granted on 25 March 1999 for a single storey rear extension and dormer

window identical to those in the appeal proposal, but subject to a condition requiring the demolition of half the existing garage. However, the Council indicate that the scheme permitted under ref:4/0204/99 would involve no net increase in development on the plot, unlike the appeal proposal. In any event, I am required to treat each application on its merits in the light of prevailing development plan policies, as I have done in this appeal.

13. In summary, while I consider that the extension to the cottage would be unacceptable, I feel that the proposed pitched roof to the garage would be consistent with national and local planning policy objectives. I shall therefore allow this appeal in respect of the new pitched roof to the garage. I have given consideration to the conditions that should be imposed, and to the advice contained in Circular 11/95 on the use of conditions in planning permissions. I also note that the Council do not suggest any conditions apart from the usual time limit for the commencement of development. In these circumstances I see no need for any particular conditions.

14. I have taken account of all the other matters raised in the written representations, but none is sufficient to outweigh the considerations which have led to my conclusions on the main issue.

15. For the above reasons, and in exercise of the powers transferred to me, I hereby:

(a) dismiss this appeal in respect of the proposed rear single-storey kitchen extension and first floor dormer window;

(b) allow this appeal and grant planning permission for a new garage roof at Benet Cottage, Chequers Hill, Flamstead, in accordance with the terms of the planning application dated 25 October 1998 (No.4/01867/98/RET) and the drawings submitted therewith, subject to the condition that the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.

16. This letter only grants planning permission under Section 57 of the Town and Country Planning Act 1990. It does not give any other consent or approval that may be required.

Yours faithfully



COLIN GRIMSEY JP BSc(Hons)
Inspector