



Appeal Decision

Site visit made on 28 April 2010

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
6 May 2010

Appeal Ref: APP/C1950/D/10/2125298

**Pulham House, Bedwell Park, Cucumber Lane, Essendon, Hertfordshire
AL9 6GJ**

- 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 Kieran Griffin against the decision of Welwyn Hatfield Borough Council.
- The application Ref S6/2009/2401/MA, dated 23 October 2009, was refused by notice dated 2 February 2010.
- The development proposed is the erection of a kennel.

Decision

1. I allow the appeal, and grant planning permission for the erection of a kennel at Pulham House, Bedwell Park, Cucumber Lane, Essendon, Hertfordshire AL9 6GJ in accordance with the terms of the application, Ref S6/2009/2401/MA, dated 23 October 2009, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: 3338-01A and 3338-04B.

Procedural Matter

2. For reasons of clarity, I have adopted the description on the decision notice and appeal form.

Main Issues

3. I consider that the main issues are:
 - (a) Whether the proposal would be inappropriate development for the purposes of Planning Policy Guidance 2: *Green Belts* (PPG2) and development plan policy;
 - (b) The effect of the proposed development on the openness and visual amenity of the Green Belt and the character and appearance of the area generally.

Reasons

Whether the proposal would be inappropriate development for the purposes of PPG2 and development plan policy.

4. PPG2 states that there is a general presumption against inappropriate development in the Green Belt. The extension of an existing dwelling is not, however, inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. This advice is to be read together with the relevant development plan policies which in this case include those in the Welwyn Hatfield District Plan (LP). LP Policy RA3 echoes the national policy in PPG2 concerning the extension of existing dwellings which should not, whether individually or when considered with existing or approved extensions, result in a disproportionate increase in the size of the existing dwelling. Further, LP Policy RA3 also applies to those outbuildings for which planning permission is required such as kennels.
5. LP Policy RA3 does not include any definition of what comprises a disproportionate increase in the size of an existing dwelling and no detailed information has been provided concerning the size of Pulham House. Accordingly, I have made my own assessment on this matter. The existing dwelling does not appear to have been extended and, based on my measurement, it has a footprint of about 300sq m excluding the space under the projecting garage eaves. The Council estimate that the footprint of existing and approved outbuildings granted planning permission would be about 60sq m and I have no reason to disagree with this figure. The footprint of the proposed kennel would be about 4.3sq m. If this appeal was allowed, by reason of all the existing or approved outbuildings, there would be about a 20% increase in the existing dwelling's footprint.
6. I consider that the footprint of the proposed kennel is of modest proportions and would not, whether individually or when considered with the existing or the approved outbuildings, result in a disproportionate increase in the size of the existing dwelling. In reaching my view I have also been mindful of the modest height and scale of the proposed kennel. Accordingly, I conclude that the appeal scheme would comply with LP Policy RA3 and PPG2 and, as such, it would not be inappropriate development in the Green Belt.

The effect of the proposed development on the openness and visual amenity of the Green Belt and the character and appearance of the area generally.

7. Although I can appreciate why the Council felt it was appropriate to impose a condition withdrawing permitted development rights to safeguard the openness of the Green Belt, I consider that the proposed size and bulk of this modest outbuilding would not materially affect the openness of the Green Belt in this location. In reaching my view, I am mindful of the number and dispersed pattern of the buildings within the curtilage of the existing dwelling but, by reason of their siting and size, I consider that cumulatively there is sufficient space around these buildings to avoid a material loss of openness.
8. Although sited some way from the existing dwelling and other outbuildings, by reason of its modest size, materials and screening by the existing vegetation, the proposed kennel would neither be sited in a prominent location nor be visually intrusive and would not appear out of place within the curtilage of the appeal property. Views of the appeal scheme from the surrounding area would generally be filtered by existing vegetation with only glimpsed views available from the adjacent golf course. The simple design and materials of the

proposed kennel would be appropriate for a garden and would reflect other outbuildings within the curtilage of the property.

9. My overall assessment is that the proposed kennel would be a modest addition to the existing buildings within the curtilage of the property and would not materially harm the character or appearance of the surrounding area. Accordingly, I conclude that the size and bulk of the appeal scheme would not represent more than a minimal loss of openness to the Green Belt and would not cause material harm to its visual amenities. Further, the proposed development would comply with LP Policy RA3 which is, amongst other matters, concerned with development not having an adverse visual impact on the character, appearance and pattern of development of the surrounding countryside.

Other Matters

10. I have noted that a larger kennel is currently erected on the appeal site and that planning permission was refused by the Council for the retention of this outbuilding. However, I have determined this appeal on the basis of the current scheme before me to consider.
11. In determining this appeal I have been mindful of the appeals for both the summer house within the curtilage of the appeal property and a car barn and lockable store at the neighbouring property. However, although I possess a copy of my colleague's decision concerning the summer house which I saw during my site visit, I have not been provided with full details of the circumstances of these other appeal schemes to assess whether they are similar to the proposed development, in particular the siting and size of the proposed car barn and lockable store. Accordingly, in the absence of these details, I have only been able to attach limited weight to these other appeals.
12. I have been mindful that the Council did not object to the proposed development by reason of any adverse impacts on the setting of the near-by Listed Building and the trees subject of a Tree Preservation Order. I have no reason to disagree with the Council on these matters. I have also noted the appellant's claims concerning security against crime as a reason why the proposed kennel is required. However, other means of securing the property are available and I have attached only limited weight to this matter.

Conditions

13. Although the Council has not suggested any conditions, for the avoidance of doubt and in the interests of proper planning, I consider that a condition is necessary to ensure that the proposed development would be carried out in accordance with the approved plans.

Conclusion

14. For the reasons I have given and having regard to all other matters, I conclude that this appeal should be allowed.

D J Barnes

INSPECTOR