

PLANNING FILES

SPIKE ISLAND, HORNBEAM LANE,

S6/652/89

4/4

ESSENDON.

this area from the more open land to the west, including the grounds of Great Nast Hyde House. The green belt in this area served the purpose of preventing the coalescence of settlements and an alteration to its boundary on an ad hoc basis would jeopardise the operation of green belt policies. Under these policies development was not permitted, other than in very special circumstances, unless required for the needs of agriculture or for certain specified purposes. No such special justification had been shown in this case. The council drew attention to an unsuccessful appeal in 1984 for residential development of the site.

4. Hatfield Parish Council supported the attitude of the council. British Aerospace Aircraft Group (Civil Division) made representations as the occupiers of Great Nast Hyde House. They were not opposed in principle to the replacement of the existing house by a single, private dwelling of approximately the same size, in approximately the same position, but would view with concern any development which might overlook or affect the environment of the listed building.

5. You referred to correspondence with the council in which you explained that the existing house was a faulty structure in bad repair, and that unless it could be rebuilt, your family could not be satisfactorily housed. The council's reply intimated that the the presumption against new development applied equally to rebuilding. In your representations on the appeal you pointed out that your property had been in residential use for many years; it was not agricultural land and it adjoined and formed part of a residential settlement. Hence you argued that the line of the green belt should be moved to the other side of your property where the large listed building and grounds would form a much better barrier against encroachment of the countryside. You also drew attention to the description of your land as having the appearance of a generous suburban garden by the Inspector who decided the previous appeal in 1984. You also commented on the car park in the grounds of Great Nast Hyde House, which in your view detracted from the appearance of open countryside.

6. The council have emphasised, rightly in my opinion, the importance of defending the green belt, and this has led them to oppose the present proposal. The Government is committed to the maintenance of green belts, and in considering this appeal I have had regard to the advice in Circular 14/84. This Circular emphasises the long-term character of green belts, and I do not consider that it would be appropriate for me, in the limited context of this appeal, to contemplate redrawing the boundary of the green belt, as you suggest. It is, however, appropriate for me to consider whether there is justification for granting permission for your proposal, notwithstanding that the site is in the green belt. I think it is clear that the presumption against new development is strong. Thus the previous appeal for additional dwellings on the land was dismissed. But your present proposal is for the replacement of your existing home, and here, it appears to me, the policy objection is less strong. As you point out, the property has been in residential use since the 1930s. It is adjacent to the Ellenbrook residential area, and although its garden is much larger than others in the vicinity, the house appears visually as the end house in a continuous line of detached dwellings along Wilkins Green Lane. I was able to see for myself at the site inspection some of the physical problems which have led you to claim that the house is worn out. If rebuilding is not permitted, the outlook appears to offer progressive disrepair and eventual dereliction. I do not think this would serve any good planning purpose, and I consider that it would be unsuitable to apply the full rigour of green belt policy objections in this situation. I am satisfied that the rebuilding of the existing house on approximately the same site would have no adverse effect on the listed building Great Nast Hyde House.

7. I have reached the conclusion that permission should be granted. In coming to this view I have taken account of the advice in Circulars 22/80 and 14/85. I have also taken account of all views which have been expressed in this appeal, but find nothing to change this conclusion.

8. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the demolition of existing house and erection of a single replacement dwelling of approximately the same size at "Torilla", Wilkins Green Lane, Hatfield in accordance with the terms of the application (No S3/37/85) dated 19 January 1985 and the plans submitted therewith, subject to the following conditions:

1. a. approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter referred to as 'the reserved matters') shall be obtained from the local planning authority;
- b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter;
2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:
 - a. 5 years from the date of this letter, or
 - b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

9. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

10. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Madam
Your obedient Servant



N HAMILTON
Inspector

The Department of the Environment,
Room 10/25,
Tollgate House,
Houlton Street,
Bristol,
Avon. BS2 9DJ.

REF: WATTS/DW
APP/C1950/A/90/146526

23 March 1990

Dear Sirs,

APPEAL BY G.K. MACLEOD - SPIKE ISLAND, HORNBEAM LANE

Further to the additional comments made by Vincent & Gorbings dated 7th March, 1990 I would make the following comments:-

Para. 3.3 The Council would refer the Inspector to the second paragraph of the letter dated 14th May, 1987, in which the Authority could not concede that the area encroached over was not Public Highway and that action would still be taken if any obstruction occurred on the Public Highway.

Para 5.2 Whilst the report of the Director of Planning is set out on a Schedule, each application is reported verbally in full by the Assistant Director at the Committee meeting and the Committee normally discuss the merits of the case before a decision is taken.

Para 6.14 The Local Planning Authority would need to be convinced that in relation to Policy GB5 of the Draft District Plan, the existing dwelling is a) not capable of habitation and b) the replacement is of a similar scale and floorspace. In fact there is clear evidence to the contrary in relation to both criteria.

Para 7.2 The Local Planning Authority considered that although the appeal at 'Torilla' Wilkins Green Lane dealt with similar issues in relation to a replacement dwelling in the Green Belt. 'Torilla' itself was clearly in a worse physical condition than 'Spike Island' and that there is not the same degree of physical deterioration at 'Spike Island' as was apparent at 'Torilla'. The Inspector is referred to Para. 6 of that decision letter, in which the Inspector stated that:

..."I was able to see for myself at the site inspection

continued.....

some of the physical problems which have led you to claim that the house is worn out. If the re-building is not permitted, the outlook appears to offer progressive disrepair and eventual dereliction."

It is not considered that such a 'downhill' route is the case with 'Spike Island' which in the view of the Local Planning Authority is in a sound and habitable condition and need not deteriorate.

In conclusion the Local Planning Authority would attach the following list of conditions which it would wish to see attached to any permission of the Inspector is minded to allow this appeal.

1. a) Application for approval in respect of all matters reserved in Condition 2 of above shall be made to the Local Planning Authority within a period of 3 years commencing on the date of this notice.
- b) The development to which this permission relates shall be begun by not later than whichever is the later of the following dated:-
 - i) the expiration of a period of 5 years commencing on the date of this notice
 - ii) the expiration of a period of 2 years, commencing on the date upon which final approval is given by the Local planning Authority or by the Minister, or in the case of approval given on different dates, the final approval of the last such matter to be approved by the Local Planning Authority or by the Minister.
2. The development hereby permitted shall not be carried out otherwise than in accordance with detailed plans and drawings showing the siting, layout design and external appearance of the building(s) and the means of access thereto and the landscaping of the site which shall have been approved by the Local Planning Authority, or in default of the agreement by the Secretary of State for the Environment, before any development is commenced.
3. Notwithstanding the provisions of the Town & Country Planning General Development Order 1988 (As amended in 1989), the provisions of Part 1, Classes A, B, C, E and F of Schedule 2 to that Order, shall not apply to the replacement dwelling hereby permitted and no development within these classes shall be commenced without the formal written approval of the Local Planning Authority beforehand.
4. The development shall only be carried out in accordance with

continued.....


a landscaping scheme which shall be submitted to the Local Planning Authority as part of the reserved matters referred to in Condition 1 above and the scheme shall be approved in writing by the Local Planning Authority before the development commences. The scheme shall show:-

- (1) which existing trees, shrubs and hedges are to be retained or removed
- (2) which new planting is proposed, together with details of species, size and method of planting
- (3) what measures are to be taken to protect both new and existing landscaping during and after development

The scheme approved shall be implemented and completed in all respects by not later than the planting season following completion of the development, and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

5. Before any construction works commence on site, full details or samples of the materials to be used in the external construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.
6. Prior to the commencement of work on any building hereby approved, the setting-out and finished floor level of the building shall be inspected and approved by the Local Planning Authority in writing.
7. That before any part of the replacement dwelling be commenced, the existing dwelling detached garage and stable block be demolished and completely removed from the site.

Yours faithfully,


TONY MOORE
Director of Planning and Development Services

PLANNING APPEAL

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36

LOCATION: Spike Island, Hornbeam Lane, Essendon,
Herts

PROPOSED DEVELOPMENT: Demolition of existing house and the
construction of a replacement dwelling.

APPELLANT: Mr G. K. MacLeod

PLANNING AUTHORITY: Welwyn Hatfield District Council

SUBMISSION OF WRITTEN REPRESENTATIONS
JANUARY 1990

REFERENCES:

DOE:

PLANNING AUTHORITY: S6/0652/89/OP

VINCENT AND GORBING: RL/LD/3071

PLANNING APPEAL

SPIKE ISLAND, HORNBEAM LANE, ESSENDON, HERTS

<u>CONTENTS</u>	<u>PAGE NO</u>
1.0 INTRODUCTION	1
2.0 THE SITE AND ITS SURROUNDINGS	3
3.0 THE PROPOSED DEVELOPMENT	5
4.0 SITE HISTORY	6
5.0 DEVELOPMENT PLAN AND PLANNING POLICIES	8
6.0 GENERAL PLANNING POLICIES	11
7.0 PLANNING ISSUES	14
8.0 CONCLUSIONS	22

APPENDICES

See separate document

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Norton Road
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RL/LD/3071

JANUARY 1990

1.0 INTRODUCTION

Details of Appeal

1.1 This appeal concerns Welwyn Hatfield District Council's refusal of outline planning permission for the demolition of the existing house and the construction of a replacement dwelling at 'Spike Island', Hornbeam Lane, Essendon, Hertfordshire. Details of design, external appearance and landscaping are reserved for future consideration.

1.2 The refusal notice dated 18th August 1989 gives the following reason for refusal:

"The site is designated in the Welwyn Hatfield District Plan as Metropolitan Green Belt wherein it is the policy of the Local Planning Authority not to allow development unless it is required for agriculture or unless there is some other reason why permission should be granted. In this instance the house has been greatly extended in the past and consent for a further extension is outstanding, all of which would provide adequate amenities for the dwelling. The proposed new dwelling would be considerably larger than the extended house, in a more prominent position to the detriment of the visual amenity and character of the area and contrary to the aims of the above policy".

Summary of Issues

1.3 The principal issues in this case are, in summary:

- i) Whether the proposed development would cause demonstrable harm to the Metropolitan Green Belt's function and purpose.

ii) Whether the proposed dwelling would be considerably larger than the extended house and thereby detract from the visual amenity and character of the area.

iii) Whether the proposed dwelling would be in a more prominent position than the existing house and thereby detract from the visual amenity and character of the area.

2.0 THE SITE AND ITS SURROUNDINGS

Location

- 2.1 Essendon is a medium sized village lying about 3 miles to the east of Hatfield and about 4 miles to the north of Potters Bar.
- 2.2 The appeal site is approximately 1½ miles due south of the centre of the village. The location of the site in relation to the village and surrounding towns is indicated on the location plan at Appendix 1.
- 2.3 The centre of Essendon is designated a Conservation Area. However, the appeal site lies well outside this designated area.

The Appeal Site

- 2.4 The appeal site has an area of approximately 0.19 ha (0.47 acres). It is adjoined by a field of approximately 2.57 ha (6.35 acres) which is also in the appellant's ownership (see submitted drawings attached at Appendix 5).
- 2.5 The appeal site has a frontage to Hornbeam Lane of 38m and a maximum depth of 46m.
- 2.6 The site presently contains a substantial two storey detached house with detached double garage and outdoor swimming pool. (See photographs 2, 3 and 4 at Appendix 3). Immediately adjoining the site are two stable blocks and an outdoor tennis court.
- 2.7 The house is finished in render, vertical tile hanging and plain roof tiles. It is located in the south-eastern corner of the site approximately 1m from the boundary with the adjoining land to the south-east.

2.8 The house is located approximately 500m to the east of the nearest public roadway, which is known as Kentish Lane (B158). It stands at the end of a private driveway of approximately 120m length, which leads off Hornbeam Lane, which leads to Kentish Lane.

2.9 The house, formerly known as Meadow Cottage, but since re-named Spike Island, has been owned and occupied by the appellant since 1978.

Immediate Surroundings

2.10 The area to the south of Essendon and in the vicinity of the appeal site is characterised by a rather hilly, and fairly heavily wooded landscape. It contains an unusually large number of large country houses, together with their associated lodges, and a number of isolated farmsteads houses and cottages. This point is clearly illustrated on the site location plan at Appendix 2.

2.11 Due to the undulating and wooded character of the area views from the roads are restricted.

2.12 Hornbeam Lane has the status of a bridleway and is unsurfaced. It is accessible to vehicular traffic as far as the entrance to the appeal site (see photograph 1 at Appendix 3). In the vicinity of the appeal site the lane comprises little more than a grassed trackway. (See photographs 3 and 4 at Appendix 3).

2.13 Three other dwellings have accesses via Hornbeam Lane. The nearest is located about 300m to the north-west of the appeal property.

2.14 The drawing at Appendix 2 shows the appeal site in relation to the surroundings.

3.0 THE PROPOSED DEVELOPMENT

- 3.1 The submitted proposals take the form of an outline planning application for the demolition of the existing house on the site and the erection of a replacement dwelling. Details of the siting of the dwelling and the means of access are included in the application. Copies of the submitted drawings are attached at Appendix 5.
- 3.2 The drawings show that the existing house and detached garage would be demolished and replaced by a new dwelling, located centrally within the appeal site. The dwelling would be sited a minimum of 8m (26'3") from the boundary with Hornbeam Lane, 11.5m (37'9") from the northern boundary of the site, 12m (39'4") from the western boundary and 13.5m (44'3") from the southern boundary of the site.
- 3.3 By comparison the existing house is located a minimum of 5.5m (18') from Hornbeam Lane, 30m (98'5") from the northern boundary of the site, 17.5m (57'5") from the western boundary of the appeal site and 1.3m (4'3") from the southern boundary of the site. However, the existing garage projects approximately 3m (9'9") forward of the historical boundary to Hornbeam Lane. The drawing at Appendix 6 illustrates the location of the existing and proposed dwellings.
- 3.4 The application proposes the erection of a two storey dwelling of 530m² (5,705ft²) floorspace (including integral double garage). This would be the same as that of the existing house plus the floorspace of two extensions that still have valid planning permissions (for further details see next section of our statement).
- 3.5 In addition to the demolition and replacement of the existing house and garage it is also proposed to demolish the existing detached stable block, which fronts Hornbeam Lane.

4.0 SITE HISTORY

- 4.1 The appeal property was built prior to the introduction of planning legislation. From an inspection of old Ordnance Survey sheets it appears to have been built before 1880. Since it was built a number of extensions have been added and works commenced on the construction of a further two additions. (The drawing at Appendix 7 indicates the extent of the existing house and the two extensions that have planning permission). This existing house is illustrated in the photographs at Appendix 3.
- 4.2 In 1964 planning permission (LA ref 485-64) was granted for the replacement of a single storey outbuilding with a two storey flat roofed rear extension. This permission has been implemented.
- 4.3 In 1980 planning permission (LA ref S6/64/80) was granted for a further two storey extension on the south-western side of the original building. This extension has also been completed.
- 4.4 There is presently a detached double garage adjacent to the house. From its appearance and, bearing in mind the fact that the local authority apparently have no record of its construction since 1964, it is assumed that it already existed at the time of granting the first permission.
- 4.5 In February 1985 planning permission (LA ref 6/133/84) was granted at appeal for the erection of a two storey extension on the north-eastern side of the original house. (Indicated with letter 'A' on the drawing at Appendix 7). This extension would include the demolition and replacement of the existing garage.
- 4.6 As a result of uncertainty over the location of the boundary of the property to Hornbeam Lane, and due to our client's urgent need for additional bedroom accommodation a further planning application was submitted in 1987.

- 4.7 The application, which was in outline form, (LA ref 6/0841/87/OP) proposed the erection of a two storey extension on the opposite side of the dwelling indicated with the letter 'B' on the drawing at Appendix 7). Planning permission was granted on 20th November 1987.
- 4.8 Details pursuant to the 1987 outline permission were approved on 28th November 1988 (LA ref 6/1021/88).
- 4.10 For the purposes of Section 43 of the Planning act, the developments granted permission in 1985 and 1987 have been commenced, trenches having been dug during 1989 to contain parts of the foundations of the two proposals. The Local Planning Authority were notified of the commencement of works on 16th March 1989.

5.0 DEVELOPMENT PLAN AND PLANNING POLICIES

5.1 At the time that the Welwyn Hatfield District Council considered the appeal proposal, the statutory Development Plan comprised:

i) The Hertfordshire County Structure Plan 1986 Review, approved by the Secretary of State on 9th May 1988, and became operative on 31st May 1988.

ii) The Hertfordshire County Development Plan 1971.

5.2 In addition to the statutory Development Plan the following informal plans/documents are relevant:

i) Welwyn Hatfield District Plan was published in 1982. The plan was considered at a public local inquiry in October 1982 but has not been formally adopted due to an unresolved objection. In February 1986, the District resolved not to adopt the plan, but to continue to use it for day-to-day development control purposes.

ii) Development Control Standards and Criteria, published in 1982. Although this is described as an appendix to the District Plan the policies within it were not examined in the District Plan public local inquiry in 1982.

Hertfordshire County Structure Plan 1986 Review

5.3 The site is within the Metropolitan Green Belt and a Landscape Conservation Area as shown diagrammatically on the key diagram. The policies relating to these areas are summarised below and reproduced in full at Appendix 8

5.4 Policy 1 of the Structure Plan states that within the Green Belt permission will not be given for purposes other than, amongst others, uses appropriate to a rural area and provided that the use is not such as to lead to a demand for additional buildings. Bearing in mind that the site has a long established residential use and that there are a large number of residential properties in the countryside around Essendon the continued residential use of the site is felt to be a use appropriate to this rural area. The current proposal does not propose the erection of an additional building but rather a replacement building for the existing house on the site. The proposal would we feel therefore accord with the requirements of this policy.

5.5 Policy 6 states that within Landscape Conservation Areas local authorities will have regard to the setting, siting, design and external appearance of any development and that improvements to the landscape will be sought wherever development is permitted. We will demonstrate in the following paragraphs that the proposed development would have a satisfactory setting and siting and would result in an improvement to the landscape. As the current proposal is an outline form details of design and external appearance have yet to be prepared. These would be subject to future local authority agreement. We are confident that a satisfactory design and external appearance can be produced which enhances the landscape in the vicinity of the appeal site.

Welwyn Hatfield District Plan

5.6 The relevant policies are summarised below and reproduced in full at Appendix 9.

- 5.7 Policies H1 and E1 preclude residential development within the Green Belt other than limited extensions to existing properties. Replacement dwellings are not specifically covered by these policies but are dealt with in the Development Control Standards (see paragraph 5.10).
- 5.8 The appeal site is within an Agricultural Priority Area to which Policy E3 applies. However, as the site has an established residential use this policy does not apply.
- 5.9 Policy E9 states that the local authority will pay attention to the effect of any development on the surrounding landscape and in particular to the siting, design and external appearance of any buildings. As has been mentioned previously in paragraph 5.5 we will demonstrate that the siting of the proposed dwelling would be an improvement over that of the existing house and that a replacement dwelling could have a design and external appearance that enhances the appearance of this part of the countryside.

Development Control Standards and Criteria

- 5.10 Paragraph 3.2 of the standards accepts that in certain circumstances replacement dwellings will be permitted in the Green Belt, subject to the size being strictly related to the size of the existing dwelling.
- 5.11 A full extract of the paragraph is reproduced at Appendix 10.

6.0 GENERAL PLANNING POLICIES

6.1 The weight to be attached to the local planning policies set out in the previous section and to the individual merits or otherwise of a scheme has to be assessed in the light of the general advice contained in Circulars, Planning Policy Guidance and the remaining Development Control Policy Notes.

6.2 The following documents are considered to be relevant to the current proposal:

- i) Development Control Policy Note 4: Development in Rural Areas.
- ii) Planning Policy Guidance 1: General Policy and Principles.
- iii) Planning Policy Guidance 2: Green Belts.
- iv) Circular 42/55: Green Belts.
- v) Circular 14/85: Green Belts.
- vi) Circular 14/85: Development and Employment.
- vii) Circular 18/86: Planning Appeals Decided by Written Representations.

6.3 Development Control Policy Note 4: 'Development in Rural Areas' advises that proposals for the re-building of an existing dwelling have to be set against the fact that there is already a building on the site which may continue in use. It also advises that each case has to be considered on its merits and that a good deal will turn on how the new house would look in relation to its natural surroundings. We will demonstrate that a replacement dwelling could improve the relationship to the natural surroundings and would thereby accord with the advice contained in the Policy Note.

- 6.4 Circular 14/85: 'Development and Employment' (paragraph 3) and PPG1: 'General Policy and Principles' (paragraph 15) establish the central test to be applied in all cases; whether the proposal would cause demonstrable harm to interests of acknowledged importance. Even though Green Belts are among the interests of acknowledged importance referred to the presumption in favour of development can only be set aside where it is clear that demonstrable harm would be caused to the Green Belt. This interpretation has been followed by Inspectors in a number of Green Belt appeals.
- 6.5 In the Queens Bench Division decision on Cranford Hall Parking Ltd v Secretary of State for the Environment and Hounslow LBC (December 11th 1987) it was held that the fact that a site is on Green Belt land is not in itself a clear-cut and sound reason for refusing permission. It is still necessary to actually show that the development will cause demonstrable harm to the Green Belt though it was accepted that this will often be self evident. It is only if such demonstrable harm can be shown, that it is valid for there to be a presumption against permission being granted (Journal of Planning and Environmental Law 1989. Notes of cases: pages 169 to 173).
- 6.6 PPG1 states at paragraph 15 that "there is always a presumption in favour of allowing applications for development". The statement does not exclude proposals within the Green Belt from this presumption unless they cause demonstrable harm to interests of acknowledged importance.

6.7 Neither the Circular or the PPG support the case for a totally inflexible approach to development in the Green Belt. In our view, in considering whether a particular development proposal is "appropriate" in the Green Belt or whether it would cause demonstrable harm to Green Belt policy, it is necessary to assess whether the proposal would conflict with the objectives of the Green Belt.

6.8 The objectives of the Green Belt are those set out originally in Circular 42/55, reaffirmed in Circular 14/84, and subsequently modified by PPG2. They are:

- a) To check the unrestricted sprawl of large built-up areas.
- b) To safeguard the surrounding countryside from further encroachment.
- c) To prevent neighbouring towns from merging into one another.
- d) To preserve the special character of historic towns.
- e) To assist in urban regeneration.

6.9 We will demonstrate in the next section that the proposed development would not cause demonstrable harm to any of these objectives of the Green Belt (or to the Green Belt itself).

7.0 PLANNING ISSUES

- 7.1 The principal issues in this case were summarised earlier in paragraph 1.3.
- 7.2 Having set out the relevant background information and policies we will now address the issues identified.

Whether the proposed development would cause demonstrable harm to the Metropolitan Green Belt's function and purpose

- 7.3 It is the view of the District Council that the proposed development would be contrary to their Green Belt policy which is "not to allow development unless it is required for agriculture or unless there is some other reason why permission should be granted".
- 7.4 Circular 14/85 states that development plan policies are "one, but only one" of the material considerations to be taken into account in dealing with individual proposals. Paragraph 9 of Circular 16/84 "Industrial Development" makes a general statement that where a developer applies for permission for a development which is contrary to a development plan this does not, in itself, justify a refusal of permission. The onus remains with the planning authority to demonstrate that a particular proposal is unacceptable on specific planning grounds.

7.5 Before permission can be refused it is therefore necessary to demonstrate that conflict with a policy would give rise to demonstrable harm to interests of acknowledged importance. In respect of Green Belts it is necessary to demonstrate that a proposal would give rise to demonstrable harm to the Green Belt before permission can be refused. Circular 18/86 clarifies this further by stating at Paragraph 4 of Appendix 1 "where conflict with policy is given as a reason for refusal it should be made clear in what ways the objective the policy is intended to achieve would be materially harmed or put at risk by the development proposal".

7.6 We will demonstrate in the following paragraphs that the proposed development would not cause demonstrable harm to any of the functions and purposes of the Green Belt. We will consider, in the following paragraphs, the appeal proposal in the light of each of the purposes of Green Belts as set out in PPG2.

a) **Checking Urban Sprawl**

7.7 The Green Belt in the vicinity of the appeal site is primarily intended to check the outward growth of London as a major urban area and also, to some extent, the outward growth of smaller urban areas within the Green Belt, such as Hatfield and Potters Bar. As the appeal site is divorced from any urban area the first objective of the Green Belt would not be affected by any proposal to replace the existing house with a new dwelling.

b) **Safeguarding Open Countryside**

7.8 This function of the Green Belt is probably the most relevant to the current proposal. Although it is accepted that the appeal site is located in open countryside it must be born in mind that the site has a long established residential use, going back over 100

years. Throughout this period the site has contained a two storey detached house of permanent construction. This situation is likely to continue for the foreseeable future whatever the outcome of the appeal.

7.9 The proposal would not result in an extension of the existing residential curtilage into the open countryside. The replacement dwelling would be smaller than that of the existing building as proposed to be extended as will be demonstrated in the following paragraphs. We will also demonstrate in the following paragraphs that the current proposal would give an opportunity to improve the siting of the dwelling on the site and to enhance the landscaping on the site. These would result in the replacement dwellings being less prominent than that of the existing dwelling.

7.10 Bearing in mind all these factors we feel that the proposal would not prejudice the second objective of the Green Belt.

c) Preventing Coalescence

7.11 The site plays no role in preventing the coalescence of any settlements bearing in mind its detached location from any settlement. The nearest adjoining property would be located some 300m to the north-west of the appeal site. The proposal would not therefore result in a consolidation of the existing scattering of buildings within this part of the Green Belt.

d) Protecting the Character of Historic Towns

7.12 The site has no relationship to any settlement with any historic character. The proposal would not therefore damage the character of any historic town.

e) Urban Regeneration

- 7.13 Bearing in mind that the current proposal seeks to replace one existing dwelling with one new dwelling it is unlikely that the proposal would have any impact whatsoever on urban regeneration in either London or any of the surrounding towns.

General Comments

- 7.14 Although we appreciate the local authority's concern to protect the Green Belt we believe that the granting of planning permission for the current proposal would not prejudice or cause demonstrable harm to any of the functions and purposes of the Green Belt. This aspect of the reason for refusal is, we feel, therefore unfounded.

Whether the proposed dwelling would be considerably larger than the extended house and whether this would be to the detriment of the visual amenity and character of the area

- 7.15 Details of various applications for the extension of the property were outlined earlier in section 4.0 of our statement and illustrated on the drawing at Appendix 7.
- 7.16 The application forms and letter submitted with the planning application indicated that the existing house (including detached garage) has a total gross floorspace of 330 sq.m. and that the two extensions granted permission in 1985 and 1987 have floorspaces of 84 sq.m. and 117 sq.m. respectively. This results in an overall gross floorspace of 530 sq.m. These figures were based on what we believed at the time to be the existing and proposed floorspace of the building.
- 7.17 However, we have carried out more precise calculation of the gross floorspace of the existing house and the two extensions that were granted permission in 1985 and 1987. These are summarised below:

i) Existing house (as extended and including detached garage)	369.0 sq.m.
ii) 1985 extension (net increase)	105.5 sq.m.
iii) 1987 extension - including open veranda	138.6 sq.m.
1987 extension - excluding open veranda	117.3 sq.m.

Total Gross Floorspace = 591.8 to 613.1 sq.m.

Note: Measurements were taken to the outside of exterior walls.

7.18 On the basis of the more precise calculation it is evident that the existing house (plus extensions) would be larger than had previously been estimated. The house having a total gross floorspace of up to 613.1 sq.m. (including open veranda indicated on drawing approved in 1987) rather than 530 sq.m. as indicated on the application forms.

7.19 The current appeal relates to a proposal for a replacement dwelling of 530 sq.m (including integral double garage). This would be the same size as that of the existing dwelling plus extensions based on the 'old' floorspace calculations but would be 61.8 sq.m. to 83.1 sq.m. smaller based on the revised floorspace figures.

7.20 It is clear from these facts that the proposed dwelling would not be any larger than the existing dwelling, as proposed to be extended, as implied in the reason for refusal. It is therefore difficult to see how, from a purely size point of view, the proposed dwelling would have any more impact on the visual amenity and character of the area than that of the existing dwelling. This element of the local authority's reason for refusal is therefore unfounded.

Whether the proposed dwelling would be in a more prominent position than that of the existing dwelling and whether this would be to the detriment of the visual amenity and character of the area.

- 7.21 The local authority feel that the new dwelling would be in a more prominent position and that this would be to the detriment of the visual amenity and character of the area.
- 7.22 We feel that the new dwelling would not be in a more prominent position than that of the existing house. Although the appeal site is location on a slight spur the proposed dwelling would be built at a level no higher than that of the existing house.
- 7.23 The replacement dwelling would be located further from Hornbeam Lane than the existing dwelling. This is clearly illustrated on the drawing at Appendix 6. The new dwelling would be located, at its closest point, 8m from the lane and approximately 22m from the footpath running down the centre of the lane. The existing house is located approximately 17.5m from the path and the existing garage 10.5m from the path. Photographs 3 and 4 at Appendix 3 illustrate the present position of the house as seen from Hornbeam Lane.
- 7.24 At the time of the previous appeal the house was relatively well screened from Hornbeam Lane. However, fairly recent clearance works carried out in the lane, by the County Council's Countryside Management Service, has opened up a rather unsightly view of the house and garage from the lane (see photograph 3 at Appendix 2).

- 7.25 The view from Hornbeam Lane is dominated by the flat roofed double garage and by the two storey flat roofed extension to the rear of the house. These cannot be said to enhance the appearance of the property or the visual amenity and character of the area. See photograph 3 at Appendix 2.
- 7.26 We feel that a carefully designed dwelling, finished with pitched roofs and in the location suggested would have considerably less impact on Hornbeam Lane than that of the existing dwelling.
- 7.27 In addition to the demolition and replacement of the existing house and garage it is also proposed to demolish the existing stable block fronting Hornbeam Lane. The block is of corrugated asbestos and blockwork construction and detracts from the appearance of the lane. Its demolition and replacement with landscaping would result in a significant improvement in the appearance of Hornbeam Lane, as can be appreciated when looking at photograph 3 and Appendix 3.
- 7.28 The re-siting of the dwelling on the site would provide sufficient room to carry out tree and hedge planting, which would augment the existing vegetation and help to screen the proposed dwelling from view. The drawing at Appendix 11 indicates preliminary landscaping proposals for the site.

- 7.29 The drawing indicates a strengthening of the vegetation between the proposed dwelling and Hornbeam Lane. This will help to screen the house from view and also improve the appearance of the lane. The drawing also indicates tree and hedge planting to the north and west of the house, along the driveway leading to the house and on the northern boundary of the field adjoining the appeal site (also in the appellants ownership). These will help to screen the house from the open countryside. We have proposed mainly native trees and hedgerow species as these will help give a more natural feel to the proposals and will enhance the wildlife habitat of the area at the same time as helping to screen the development. The cedar will provide an attractive feature to the front of the house.
- 7.30 We feel that the landscaping proposals will enhance the appearance of the landscape and result in the new dwelling being considerably less prominent than the existing house.
- 7.31 Distant views of the existing house are possible during winter months from a limited number of specific locations along Kentish Lane in the vicinity of Camfield Farm and from the un-named lane that runs between Cucumber Hall Farm and Nine Acre Wood. Roadside hedges, trees and a number of woods prevent views from other vantage points. Photographs 5 and 6 at Appendix 2 illustrate these views (note: the photographs were taken with a standard 50mm lens).
- 7.32 The house is visible from these specific locations during winter months due primarily to the lack of foliage on the trees and shrubs and also due to the white painted render to the roof gables and to the ground floor walls. The light colour tends to make the building noticeable against the dark background of the surrounding vegetation during the winter (see photographs).

- 7.33 It is our view that a replacement dwelling finished in a medium to dark coloured brick or vertical hanging tile would be unlikely to be noticeable from a distance. The proposal would therefore be less prominent and have less impact on the surrounding countryside than the existing house. This point can be seen in the photographs.
- 7.34 Notwithstanding our previous comments it is likely that for most of the year, when the vegetation is in leaf, the house would not be readily noticeable from any of the surrounding vantage points. The impact of a replacement dwelling on the landscape would therefore be negligible. Once the proposed vegetation becomes established it is unlikely that the house would be visible from any of the surrounding vantage points.
- 7.35 We feel that the local authority's view that the new dwelling would be in a more prominent position, and that this would be to the detriment of the visual amenity and character of the area, is not born out by the facts. This element of the reason for refusal is therefore unfounded.

8.0 CONCLUSIONS

- 8.1 National guidance advises that proposals for the rebuilding of an existing house in a rural area have to be set against the fact that there is already a building on the site which may continue in use. Whatever the outcome of the appeal the existing residential use of the site is likely to continue and a two storey detached property to remain on the site. We feel that this needs to be taken into account in considering any proposal to replace the existing house.
- 8.2 It also needs to be born in mind that there are currently two outstanding planning permissions for the extension of the property and that these have both been commenced.
- 8.3 The replacement dwelling would be smaller than the existing house as permitted to be extended. It would not be "considerably larger" as stated in the reason for refusal.
- 8.4 The replacement dwelling would be in a less prominent location than that of the existing dwelling, being located further from the nearest public viewpoint (Hornbeam Lane) than the existing property and permitting additional planting to be carried out on the boundaries of the site and in particular on the frontage to Hornbeam Lane.
- 8.5 The appeal site is only just visible, from a number of isolated vantage points on surrounding roads, during winter months. During the summer it is unlikely that the house would be visible from these roads. It is our view that a replacement dwelling would be even less readily visible than the existing house.

8.6 The development would not result in a loss of amenity to any adjoining residents or result in detriment to the existing character of the area.

8.7 We believe that we have demonstrated that the proposal would not give rise to demonstrable harm to the Green Belt. Therefore the presumption in favour of development applies.

8.8 There is no likelihood of demonstrable harm to interests of acknowledged importance, as is required by Circular 14/85. We believe that the reason for refusal cannot be justified and submit that, in our view, the appeal should be allowed and planning permission be granted.