



Appeal Decision

Site visit made on 6 January 2004

by **David Stephenson OBE BSc(Eng) CEng MICE**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

27 JAN 2004

Appeal Ref: APP/C1950/A/03/1129152

Carbone House, Carbone Hill, Cuffley, Hertfordshire EN6 4PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Niall Holden against Welwyn Hatfield District Council.
- The application (Ref: S6/2003/424/FP), is dated 12 March 2003.
- The development proposed is the demolition of garage/outhouse and the construction of replacement garage and car port, pool and pool room with gallery, and alterations to front boundary to provide security gates and pedestrian access with refuse store access.

Summary of Decision: **The appeal is dismissed.**

Procedural Matters

1. The Appellant submitted amended plans for consideration by the Council on 23 July 2003, some 11 weeks before the appeal was made on 10 October 2003. He has also subsequently submitted a further revised proposal for the boundary walls at the entrance, but although this is before me it has insufficient detail on which I can make an assessment as it does not show the full scheme including the exit, or details about the gates. I am therefore taking only the amended drawings numbered 2625_03 Rev A, 2625_04 Rev C, and 2625_05 Rev A as the plans that are the subject of this appeal.

Main Issue

2. I consider that the main issue in this case is whether the proposal would constitute inappropriate development harmful to the function and purpose of the Green Belt, and if so whether that harm is clearly outweighed by any very special circumstances.

Planning Policy

3. The development plan for the area includes the Hertfordshire Structure Plan Review 1991 – 2011, adopted in 1998 (SP), and the Welwyn Hatfield District Plan Alterations No.1, adopted in 1998 (DP). I consider that SP Policy 5, which addresses the Green Belt policy, and DP policies GB5 (Extensions to Dwellings in the Green Belt) and Res Criteria 13 (Means of Enclosure) are most relevant to this case.
4. SP Policy 5 and DP policy GB5 give effect to national policy included in Planning Policy Guidance Note (PPG) 2: *Green Belts*. SP Policy 5 broadly defines the Green Belt in the County and advises that there will be a presumption against inappropriate development in it except in very special circumstances. DP policy GB5 is generally permissive towards extensions to dwellings within the Green Belt, but in the supporting notes at paragraph 2.22 stresses that extensions must not result in disproportionate additions over and above the size of the original dwelling and not have an adverse impact on the surrounding countryside. The policy also applies to outbuildings. DP policy Res Criteria 13 seeks to ensure that the means of enclosure to provide privacy and security should have regard to the character of the area and not have an adverse environmental impact.

5. The DP is under review. As it has been subjected to public consultation and a Public Inquiry I can accord it significant weight, though emerging policy RA3 carries forward the aims of the adopted policy GB5 in any case. I have also been provided with extracts from Supplementary Design Guidance (SPG) which has been produced as part of this review and I can similarly accord it significant weight.

Reasons

6. The Appeal property is a large plot on the corner of Carbone Hill with The Ridgeway and lies within the Green Belt. It consists of a substantial detached main house, a long but fairly shallow depth 1½-storey building alongside it referred to on the plans as the Cottage, and a double garage with side extension set well back behind the building line of the Cottage. Photographic evidence has been supplied of an open-air swimming pool together with 2 modest timber sheds referred to as ancillary buildings, however at the time of my visit these had been removed and the ground landscaped such that there was little evidence of their size or precise location.
7. The proposal is for an L-shaped building linked to the end elevation of the cottage and extending well beyond the existing garage and housing a car port, 4-car garage and an enclosed swimming pool together with other facilities underground. The Council's estimate of the floor space of this new building is that it would be some 309m², which when taken together with previous extensions and extant but unimplemented planning permission would result in a cumulative increase of some 62% in the floor space of the house. The Appellant disputes these figures but neither party has provided sufficient evidence for me to substantiate either claim. From my own observations, however, the ground plan of the proposed building would in my opinion be significantly larger than that of the main house, and of a similar plan area to the main house and Cottage combined, although only at single storey height. It would be several times the size of the existing garage.
8. The proposed new building would be approximately the same height as the existing garage, though because of the slope of the land away from the Cottage, the main southwest facing elevation of the swimming pool structure would appear much larger. Despite the extensive grounds, in my opinion the building would be seen from the neighbouring property in The Ridgeway and possibly from other dwellings to the south especially in the winter, though I agree that it may be inconspicuous from the land to the northeast. The roof structure over the car port would align with the front elevation of the Cottage, bringing the built form much closer to the road where it would be visible, and creating an almost continuous building line from the proposed extension to the far end of the main house.
9. Even taking into account an allowance for the previous ancillary pool buildings and the extant permissions, in my opinion the proposed building would be a disproportionate addition over and above the size of the original dwelling and I conclude that it is inappropriate development within the Green Belt. Paragraph 3.2 of PPG2 states that inappropriate development is, by definition, harmful to the Green Belt, and this is true even if it were wholly inconspicuous, but in addition to this intrinsic harm the visible and extensive increase in the built form on the site would reduce openness, which PPG2 defines as the most important attribute of Green Belts.
10. Turning to the proposed walls and gates, I note the Appellant's submissions about other gated properties in the area, but from my observations there are few gated properties in Carbone Hill in the immediate vicinity, and they are not in the majority along The Ridgeway. Most walls are low or are not solid. This proposal is uncharacteristic in having solid brick infill panels between brick columns, which although reduced in height from the original 2.2m would still be higher than other walls in the area. The actual height is not clear from the amended drawing, but in my opinion the walls would be conspicuous and intrusive and this is inconsistent with paragraph 2.19 of the SPG.

11. At the entrance the walls would replace existing low walling in essentially the same position, but at the exit they would replace timber fencing and as this exit comes out onto the junction the walls would be clearly seen when approaching along The Ridgeway from the west and from Handpost Hill from the south. I have further concerns about the gates themselves as the design of them is only defined on the plans as 'to owner's requirements' which is too vague, though it may be possible to deal with this by imposing a condition.
12. In my opinion the proposed boundary treatment would be uncharacteristic of the area and detrimental to the street scene in both Carbone Hill and The Ridgeway. By increasing the amount of the built form the walls would further reduce openness and in accordance with paragraph 3.12 of PPG2 I conclude that they would be inappropriate development, and also conclude that they would be harmful to the character and appearance of the street scene in conflict with DP policy Res Criteria 13.
13. I turn now to consider whether there are very special circumstances that clearly outweigh the harm resulting from inappropriateness and the adverse effect on openness and the character and appearance of the street scene. I acknowledge that the maintenance of health and fitness is a valid aim, but this can be achieved in a number of ways and does not require a private structure that is harmful to the openness of the Green Belt. I can also accept the concern about security, but again this could be achieved in a number of ways that would not affect openness or the character and appearance of the street scene. The matters raised do not amount to the positive factors needed to constitute the very special circumstances that would be required to outweigh the intrinsic and actual harm to the Green Belt that I have identified above.
14. Overall I conclude that the proposal would be inappropriate development harmful to the function and purpose of the Green Belt and that there are no very special circumstances that clearly outweigh that harm or the harm to the character and appearance of the street scene. I further conclude that the proposal is in conflict with SP Policy 5 and DP policies GB5 and Res Criteria 13.

Conclusion

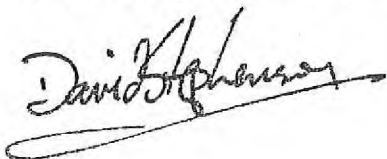
15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed.

Formal Decision

16. I dismiss the appeal and refuse planning permission for the demolition of garage/outhouse and the construction of replacement garage and car port, pool and pool room with gallery, and alterations to front boundary to provide security gates and pedestrian access with refuse store access.

Information

17. 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.



INSPECTOR

