



Appeal Decision

Site visit made on 24 January 2018

by **J Gilbert MA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 February 2018

Appeal Ref: APP/X1925/W/17/3184578

Half Moon Lodge, Lawrence End Road, Peters Green LU2 9QD.

- 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 D Guerrier against the decision of North Hertfordshire District Council.
 - The application Ref 17/00464/1, dated 23 February 2017, was refused by notice dated 14 June 2017.
 - The development proposed is conversion of the existing garage to a separate dwelling, first floor extension including front dormer and alterations.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of the existing garage to a separate dwelling, first floor extension including front dormer and alterations at Half Moon Lodge, Lawrence End Road, Peters Green LU2 9QD in accordance with the terms of the application, Ref 17/00464/1, dated 23 February 2017, subject to the following 3 conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans DG/2016-01/01A; DG/2016-01/02; DG/2016-01/03; DG/2016-01/04; DG/2016-01/05; DG/2016-01/09A; DG/2016-01/10; DG/2016-01/11; DG/2016-01/12; DG/2016-01/13; DG/2016-01/14.
 - 3) No development shall commence, until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Application for costs

2. An application for costs was made by Mr D Guerrier against North Hertfordshire District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are:
 - (a) whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;

(b) the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it; and

(c) whether or not the proposed development would provide a suitable location for housing, having particular regard to the accessibility of services and facilities.

Reasons

(a) Whether the proposed development would be inappropriate development in the Green Belt

4. The appeal site lies on the north-western side of the triangular junction of Lawrence End Road, Chiltern Green Road, and The Green in the small hamlet of Peters Green. The appeal site comprises a large detached garage, store and laundry room and part of the front and rear gardens currently serving the detached house at Half Moon Lodge. It is within the Metropolitan Green Belt.
5. Policy 2 of the North Hertfordshire District Local Plan No.2 with Alterations (adopted in 1996 and saved in 2007) (the Local Plan) confirms that planning permission will only be granted for new buildings, extensions, and changes of use of buildings and of land which are appropriate in the Green Belt, and which would not result in significant visual impact. Policy 25 of the Local Plan states that the re-use of buildings in the Green Belt which are of permanent and substantial construction will be permitted where certain criteria are met and provided that the new use does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it. Though these policies predate the Framework, they seek to protect the open character of the Green Belt and are consistent with the aims of the Framework in this respect.
6. The Framework confirms at paragraph 79 that 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open' and that 'the essential characteristics of Green Belts are their openness and permanence.' It goes on to confirm at paragraph 87 that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances.
7. Paragraph 89 of the Framework refers to the construction of new buildings in the Green Belt as inappropriate and sets out that exceptions include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The proposed development would have an unaltered footprint, but would be approximately one metre higher than the existing building, and would have a front dormer window. The additional volume to be created would amount to approximately 31.86m³, which the appellant calculates to be an increase in volume of approximately 4.7% over and above the volume of the original dwelling at Half Moon Lodge. I concur with the appellant's view that this would not constitute a disproportionate addition over and above the size of the original building. In this sense, therefore, it does not constitute inappropriate development.
8. Paragraph 90 of the Framework regards certain other forms of development as not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

Paragraph 90 then sets out the exceptions. The appellant considers that the most relevant exception is the fourth bullet point of paragraph 90 which provides for 'the re-use of buildings provided that the buildings are of permanent and substantial construction.' In this case, the proposed development is for the re-use of a building that is ancillary to the use of the main house at Half Moon Lodge. At my site visit, I noted that the garage and store was indeed of permanent and substantial construction. It follows therefore that, subject to the criteria set out in the Framework, it may not be inappropriate development within the Green Belt. My conclusion on the next issue, the effect on Green Belt openness and purposes, will determine whether or not the development is inappropriate.

(b) the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it

9. The large detached house at Half Moon Lodge lies at the end of Lawrence End Road. It is one of a number of houses and bungalows situated along a relatively consistent building line on the north-western side of the road. Although both Half Moon Lodge and neighbouring Foxwood have large rear gardens, the other houses along this part of the road have smaller, narrower gardens. The existing rear gardens of both Half Moon Lodge and Foxwood are separated by fencing from a paddock for horses, and countryside is visible beyond the end of the gardens. Apart from an existing stable at the edge of the paddock and the village hall on the other side of Chiltern Green Road, there are few buildings visible when looking north-west from the end of either of the rear gardens of Half Moon Lodge and Foxwood.
10. As the proposed development would not alter the position of the existing building or its footprint and the effect of any additional domestic paraphernalia in the proposed rear garden on the openness of this part of the Green Belt would be minimal, I do not consider that the openness of this part of the Green Belt would be harmed.
11. Having had regard to the 5 Green Belt purposes set out at paragraph 80 of the Framework, the proposed development would not result in urban sprawl or the merging of neighbouring towns. It would not encroach on open countryside, given its position in relation to both Half Moon Lodge and Foxwood. It also does not affect any historic town, and I find that the last bullet point is not relevant in terms of the recycling of derelict and urban land.
12. Concluding on this main issue, I conclude therefore that the proposed development does not conflict with the purposes of including land within the Green Belt and no harm would be caused to the openness of the Green Belt. Therefore, the proposed development would not constitute inappropriate development within the Green Belt. The proposed development would therefore be compliant with policies 2 and 25 of the Local Plan, and Section 9 of the Framework. The requirements of these policies are set out in the paragraphs above.

(c) whether or not the proposed development would provide a suitable location for housing, having particular regard to the accessibility of services and facilities

13. Peters Green is a small hamlet, which the Council describes as a Category C settlement in the emerging Local Plan. The appellant has confirmed that Peters Green is not ascribed a category in the adopted Local Plan. Apart from a public

house and a village hall, Peters Green has no day to day facilities. The nearest school, shop and doctors surgery are located in the village of Kimpton. The No 44 bus service links Peters Green with Kimpton (3 times a day) and Luton (4 times a day).

14. The appeal site is only connected to Luton and Kimpton, and other locations beyond, by limited bus services and by narrow and winding roads without any specific provision for cyclists or pedestrians. While it is not entirely out of the question for some journeys to take place on foot, by bicycle, or by bus, future occupiers of the proposed development would need to travel further afield to other settlements for work, shopping and leisure. I consider that the majority of journeys to and from the appeal site would be made by car.
15. The Council has referred to policies SP1, SP2 and SP6 in the North Hertfordshire District Council Local Plan 2011 – 2031 Proposed Submission (2016) (the emerging Local Plan) in their reason for refusal. These policies refer to sustainable development, housing, and design and sustainability. However, the emerging Local Plan has been submitted for examination and has not yet been adopted. As I do not know whether the emerging policies have been subject to unresolved objections, the weight I afford them is very limited in this instance.
16. The Framework is also a material consideration. The reason for refusal refers to paragraphs 6, 7 and 49 of the Framework. Paragraph 6 of the Framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, while paragraph 7 of the Framework sets out the economic, social and environmental dimensions of sustainable development. Paragraph 49 of the Framework asserts that housing applications should be considered in the context of the presumption in favour of sustainable development. Additionally, relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. As neither the Council nor the appellant has provided information on the supply of housing land in North Hertfordshire beyond the Council's reference to provisions being made for the 5 year supply of housing land through the emerging Local Plan, I am unable to assess this matter.
17. In addition to the paragraphs above, paragraph 35 of the Framework requires that developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities. However, the Framework also recognises at paragraph 29 that opportunities to maximise sustainable transport solutions will vary from urban and rural areas. Accordingly, a higher proportion of journeys by car may be expected within rural areas. In order to promote sustainable development in rural areas, the Framework sets out at paragraph 55 that housing should be located where it will enhance or maintain the vitality of rural communities. By way of example it states that, where there are groups of smaller settlements, development in one village may support services in a village nearby.
18. Given the proximity of existing residential properties in Peters Green, the new dwelling would not be far away from other buildings or people, and so would not be isolated in terms of paragraph 55 of the Framework. The proximity of the site to other residential properties, the public house, and village hall would

allow for social interaction and help support the facilities within the village. Consequently, I find that the proposed development would provide some positive social benefit.

19. While the Council has not identified any economic harm, there would be some limited economic benefits associated with the construction of the proposed development in terms of local employment and the supply of materials. Once the proposed development is occupied, it would make an ongoing small contribution in terms of likely use of local facilities and services as well as providing a modest contribution to housing supply. Overall, the proposed development would have some economic benefits and collectively these considerations are of some weight in favour of allowing the appeal.
20. The appeal site has been subject to a number of previous planning applications. Planning permission¹ was granted for the conversion of the existing garage and store to an ancillary residential annexe on 1 September 2016. The plans of the approved scheme show the proposed layout with a bedroom, bathroom, lobby, and sitting room. The approved scheme has some similarities to the proposed development, but differs in respect of the non-ancillary nature of the proposed development and the height of the proposed development to accommodate a room in the roof. The approved scheme provides the appellant with a fallback position which, as it could be implemented should this appeal fail, is an important material consideration for the purposes of my decision.
21. Despite the extant nature of the approved scheme for conversion of the garage and store to ancillary living accommodation, the Council's reason for refusal contends that the proposed development would set an undesirable precedent for the loss of a garage within a residential curtilage. It is asserted that this could easily be repeated elsewhere in the district, with a consequential cumulative effect on environmental sustainability.
22. While I recognise the differences between the approved scheme and the proposed development, both would result in the loss of existing garage accommodation. It is necessary for me to consider whether there is a reasonable prospect of similar development being repeated throughout North Hertfordshire. I have not been provided with any evidence that this is likely to happen or has indeed already happened where other garages in the district have been converted to dwellings. Furthermore, given the lack of information on the location of the detached garages throughout the district and their site-specific circumstances, I cannot confirm that there would be a detrimental cumulative effect.
23. In terms of the environmental thread of sustainable development, I recognise that the proposed development would be likely to be reliant on the use of the private car for day to day journeys and this could have a detrimental effect on the environment. Given that the proposed development is for a single two-bedroom dwelling and there is some opportunity for public transport use, I do not consider that the location of the appeal site would cause a considerable degree of change in the number of car journeys made to and from Peters Green. I have also noted the appellant's proposed condition in relation to provision of an electrical vehicle charging point.

¹ 16/01706/1HH

24. While I note the neighbours' concern that the proposed development would contravene a condition of the extant planning permission in respect of the requirement to remain ancillary to the main house at Half Moon Lodge, this is a separate planning application. I am required to consider this appeal on its own merits.
25. Concluding on this main issue, I consider that the proposed development would provide a suitable location for housing, having particular regard to the accessibility of services and facilities. I have not been provided with any relevant policies from the adopted Local Plan that demonstrate any conflict with this main issue. Moreover, I consider that the proposed development would be compliant with paragraph 29 and 55 of the Framework as outlined above.

Other Matters

26. Given the distances between and positioning of windows at Half Moon Lodge and neighbouring Foxwood in relation to the proposed development, I consider that the proposed development would not have a detrimental effect on the living conditions of neighbouring occupiers. Additionally, the proposed development would provide sufficient internal and external amenity space for the future occupiers. Moreover, appropriate levels of parking would be provided to the front of the appeal site and within the remaining frontage of Half Moon Lodge for both existing and future occupiers. I also note that the Highways Authority has not objected to the proposed development.
27. Local residents and the Parish Council have raised concerns about the proposed alterations to the existing building being incongruous. The alterations proposed to the existing building would involve a 1m increase to the ridge height and changes in fenestration. As the proposed development would retain its subordinate relationship with Half Moon Lodge, I concur with the Council's view that there would not be a detrimental effect on the character and appearance of the area. Some misgivings have been expressed about the potential of the existing garage building to be converted without the structure needing to be rebuilt. If this should be required, this may necessitate a separate planning application.
28. Although reference is made by the neighbouring occupier at Foxwood to a number of inaccuracies and omissions in the submission, no details are provided regarding the nature of these matters. I cannot therefore comment on these issues.

Conditions

29. Conditions should be imposed to require the standard time limit for development to take place and to set out the approved plans in the interests of certainty. Furthermore, it is necessary to have a condition on materials to ensure the satisfactory visual appearance of the proposed development. Given that the proposed development would alter an existing building, I consider that it is necessary for the condition on materials to be a pre-commencement condition. I have not imposed a condition removing permitted development rights as I do not consider that it has been proven that it is either reasonable or necessary to do so.

Conclusion

30. For the reasons given above, and having taken account of all other matters raised, this appeal should be allowed.

J Gilbert

INSPECTOR