



Appeal Decision

Site visit made on 31 October 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/X1925/W/23/3321454

Glencoe Villa, Snailswell Lane, Ickleford, Hertfordshire SG5 3TS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs A Del Basso against the decision of North Hertfordshire District Council.
 - The application Ref 22/02627/S73, dated 5 October 2022, was refused by notice dated 8 December 2022.
 - The application sought planning permission for the erection of one detached four-bedroom dwelling with associated access, car parking and hard and soft landscaping following the demolition of existing structures and hardstanding without complying with a condition attached to planning permission Ref 22/00172/FP, dated 28 March 2022.
 - The condition in dispute is No 2 which states that: "*The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above*".
 - The reason given for the condition is: "*To ensure the development is carried out in accordance with details which form the basis of this grant of permission*".
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appellant seeks to erect a dwelling of a different design to that approved. No alterations are proposed to the site layout including the amount of garden space provided, vehicular access and car parking provision.
3. The main issues are whether the disputed condition is reasonable and necessary with regard to:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the revised design upon the character and appearance of the area; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by any other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the revised design constitutes inappropriate development

4. The appeal site is located within the Green Belt. Policy SP5 of the North Hertfordshire Local Plan 2011-2031 (LP) identifies that only development that is not inappropriate or where very special circumstances exist, will be permitted. The justification text for this policy states that proposals for development within the Green Belt will be considered against national policy. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. Paragraph 149 of the Framework goes on to set out that the construction of new buildings is inappropriate in the Green Belt with certain limited exceptions, including exception g), limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings). There is no dispute between the parties that the appeal site constitutes previously developed land and I can see no reason to take a different view in this regard.
6. For a proposal to meet the requirements of exception 149 g) it would not have a greater impact on the openness of the Green Belt than the existing development. This requires an assessment of openness, taking into account both its spatial and visual considerations.
7. Whilst elevation drawings are not provided, the positioning, footprint and heights of the existing buildings and structures and the location of the hardstanding are provided on the submitted Existing Site Plan. I also saw the existing buildings and structures during my site visit.
8. Whilst the footprint of the proposed dwelling would be larger than the combined footprints of the existing buildings on the site, taking into account the reduction in the amount of hardstanding I consider that the proposed revised design would not have a greater impact on the spatial openness of the site when compared to the existing development.
9. However, despite being set back from its frontage, the proposed dwelling would be clearly visible from the road, between the existing properties to either side, and from along the Public Right of Way that runs alongside the eastern boundary of the appeal site. Given the overall scale of the proposed dwelling, being higher than any of the existing buildings on the site, in combination with the bulk and massing of the revised dwelling design, I consider that visually, the proposal would have a greater impact on openness than the existing development.
10. I accept that the activity at the site and the amount of vehicular movements would reduce as a result of the change to one residential property, compared with the previous commercial use of the site. However, in my view, the change in activity at the site would not compensate for the overall amount of additional built form in terms of the scale, bulk and massing and its impact on openness.
11. The proposed revised design would therefore not accord with paragraph 149 g) of the Framework and would constitute inappropriate development within the Green Belt. It would be harmful to the Green Belt, which in accordance with

paragraph 148 of the Framework, should be given substantial weight. In this regard the proposal would also be contrary to LP Policy SP5 as set out above.

Character and appearance

12. The main part of the appeal site comprises a dis-used coal merchant's yard which is now used for storage. The remainder of the appeal site was garden area associated with Glencoe Villa. Dwellings are located to either side of the site.
13. The existing dwellings along Snailswell Lane are mixed in scale and design. Properties to the northern side of the road are generally detached and are either single or two storeys in height. A row of park style homes are set back from the road behind frontage development and run east away from the appeal site. However, generally, existing properties that have frontage onto Snailswell Lane retain traditional proportions in terms of the height of the roof from eaves to ridge level. This contributes positively to the character and appearance of the area.
14. I accept that the proposed flat roof element of the roof would not be visible from public vantage points due to the hipped nature of the roof that would surround that particular element. Also, the appearance of subordination of the western section of the dwelling would remain due to the lower ridge height compared with the gable end feature.
15. However, when viewed in the context of the surrounding area, the proposed shallow proportions of the roof on the western section of the dwelling would be an incongruous and visually dominant feature which would appear at odds with the traditional roof design and proportions which form part of the prevailing character of the area.
16. The proposed revised design would therefore be harmful to the character and appearance of the area. It would be contrary to Policies SP9 and D1 of the LP which seek, amongst other things, to support new development where it is well designed and responds positively to the local context. The proposal would also be contrary to Section 12 of the Framework in this regard. I attribute significant weight to the harm that would be caused to the character and appearance of the area.

Other considerations

17. The appellant has identified that an application to amend the design of the dwelling has been submitted to and approved by the Council (Council Ref: 23/00505/S73) and that this represents an additional extant permission which could be implemented. Under this permission, an additional gable feature is introduced to the design which would break, but still maintain some of the eaves line and provide additional volume and bulk, compared with the original scheme approved by the Council.
18. In my view, the volume and bulk of the dwelling as a result of the revised design before me would have a very similar effect on the visual openness of the Green Belt when compared to the extant amended scheme. The revised design before me would not have a greater impact on openness in visual terms when comparing it to this fallback position. I therefore give this fallback position considerable weight.

19. I note that there were other previous schemes at the appeal site put before the Council, one of which was for a bungalow, approved in 2020 and the original scheme for a two storey dwelling that this appeal proposal seeks to amend, approved in 2022. However, whilst these are material considerations, I have found above that the proposed revised design before me, which is of a different design and scale to those previous schemes, would have a greater impact on the openness of the Green Belt. I therefore give these limited weight.
20. Ecological enhancements as a result of the proposed works to remove areas of hardstanding and structures from the site along with the change in use are also identified by the appellant. However, these enhancements would also be possible through the other extant schemes. I therefore attribute limited weight to this consideration.
21. The appellant asserts that the proposal would comply with other policy requirements relating to the historic environment and flood risk. A lack of harm in respect of these considerations is a neutral consideration that weighs neither for nor against the proposal.

Planning Balance and Conclusion

22. I have found that the proposed revised design would result in inappropriate development in the Green Belt. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework indicates that substantial weight should be given to any harm to the Green Belt.
23. I have also found that the proposed revised design would be harmful to the character and appearance of the area to which I attribute significant weight.
24. As discussed above, there is a realistic fallback position for the provision of one dwelling, which would have a comparable effect on the openness of the Green Belt, which I attach considerable weight to. However, it would be of a different design to the scheme before me.
25. Paragraph 148 of the Framework explains that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
26. The other considerations identified above would not hold sufficient weight to clearly outweigh the harm that I have found would be caused to the Green Belt, by reason of inappropriateness and to the character and appearance of the area. The very special circumstances needed to justify the development have not therefore been demonstrated.
27. Accordingly, I conclude that the appeal is dismissed.

G Dring

INSPECTOR