

6. APPEALS

A. LODGED

4/00401/18/FHA Mr Wilks
TWO STOREY SIDE AND REAR EXTENSION, SINGLE STOREY
REAR EXTENSION AND REAR DORMER
132 GEORGE STREET, BERKHAMSTED, HP4 2EJ
[View online application](#)

4/02813/17/FUL MR BANNISTER
20M X 40M MANEGE AND RETENTION OF STATIC CARAVAN,
SMALL POLE BARN AND SINGLE STABLE
HARESFOOT GRANGE, CHESHAM ROAD, BERKHAMSTED, HP4
2SU
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

4/02889/17/ENA IVOR GREGORY
APPEAL AGAINST ENFORCEMENT NOTICE - USE OF LAND FOR
COMMERCIAL/RESIDENTIAL PURPOSES AND CONSTRUCTION OF
STORAGE AREAS AND CONCRETE PAD
THE RICKYARD, ASTROPE LANE, ASTROPE, TRING, HP23 4PN
[View online application](#)

D. FORTHCOMING HEARINGS

4/03082/16/ROC Drift Limits and Cathy Leahy
REMOVAL OF CONDITION 1 (TWO-YEAR TEMPORARY PLANNING
PERMISSION) OF PLANNING INSPECTORATE DECISION
(APP/A1910/C/14/223612) APPEAL OF PLANNING APPLICATION
4/00435/14/ENA (MOTORCYCLE/MOTOR VEHICLE ACTIVITIES AND
ASSOCIATED STORAGE/PARKING)

LAND AT RUNWAYS FARM, BOVINGDON AIRFIELD, UPPER
BOURNE END LANE, HEMEL HEMPSTEAD, HP1 2RR
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4/03283/16/MFA

Grace Mews LLC
DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF
31 RETIREMENT APARTMENTS AND ANCILLARY FACILITIES
INCLUDING COMMUNAL LOUNGES, GUEST ACCOMMODATION
AND STAFF OFFICES WITH ASSOCIATED ACCESS,
PARKING, SERVICING AND AMENITY SPACE.
SITE AT JUNCTION OF BROOK STREET AND MORTIMER HILL,
TRING, HP23 5EE
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E. DISMISSED

4/02283/17/FUL

Mrs & Mrs Lane
NEW DWELLING TO REAR OF KERITY
LAND RO, KERITY, NORTHCHURCH COMMON, BERKHAMSTED,
HP4 1LR
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are as follows:

Whether the proposal is inappropriate development in the Green Belt;

The effect of the proposal on the openness of the Green Belt;

The effect of the proposal on the character and appearance of the surrounding area and whether the site would cause harm to the living conditions of adjacent residents, with regard to noise and disturbance;

If the proposal is inappropriate, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

3. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraph 89. One of the exceptions is limited infilling in villages. Policy CS5 of the Core Strategy¹ states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements.

4. The appeal site consists of part of the rear garden of the property of Kerity, which lies in Northchurch Common. This area lies to the north of Northchurch/Berkhamsted and is clearly separated from these more built up areas by a wide strip of fields and woodland. Northchurch Common itself is based on 2 roads, which are accessed via a steep, twisting road through dense woodland leading to the junction of the roads, which head north east and south east respectively. Kerity is located towards the end of the south easterly road, which is unmade. A range of houses

are sited on the north side of the road. The houses are primarily set in large rectangular shaped plots with generous front and substantial long back gardens. To the south of the road lies the aforementioned strip of land separating the area from the built up settlements.

5. Kerity is the penultimate house on the road, and an access track to a house to the rear of the property runs along the eastern boundary of the plot. On the far side of this track is the last property on the road, which appears to have a further building/barn to the rear of it. A rear garden lies to the west of the site. Development in the area, other than the linear development along the two roads of the Common, despite some backland development is sporadic and inconsistent. Based on the evidence provided, and all that I have read and seen I am not convinced that the proposal, which seeks to construct a bungalow, would constitute infilling; furthermore, even if it were so, I do not consider that Northchurch Common would constitute a 'village'. The settlement appears to primarily consist of the two unmade roads, with no facilities or services.

6. I therefore conclude that the proposal would constitute inappropriate development in the Green Belt, and as such conflicts with the Framework and Policy CS5 of the Core Strategy. Openness

7. The proposal seeks to construct a single residential dwelling of a bungalow with a pitched roof. A new access drive would be sited on the west side of Kerity, which would arch around the property and provide a parking area to the rear of the bungalow.

8. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect. While the proposal would not be particularly large, the scheme would create a 2 bedroom detached property on a currently open garden, and therefore the proposal would have an impact on the openness of the Green Belt in spatial terms.

9. Visual impact forms part of the concept of openness of the Green Belt, and the visual dimension of the Green Belt is an important part of the point of designating land as Green Belt. The site is largely enclosed within the mature garden by thick hedges and fences. The height of the dwelling would not be especially visible within the area and I therefore consider that any effect on the visual dimension of the Green Belt would be minimal.

10. I therefore consider that in spatial terms the proposal would have an adverse impact on the openness of the Green Belt.

Character and appearance, and effect on living conditions

11. The proposal would take the form of tandem development. The area surrounding the proposal remains characterised primarily by linear development, although there are some existing tandem developments in evidence. The proposal would shift the balance slightly from linear towards tandem development, but given the presence of other similar developments in the area and various large scale outbuildings within rear gardens, I am not convinced, particularly given the size and height of the proposal that this would cause material harm to the character of the area.

12. The proposal would involve the creation of a new access between Kerity and the adjacent property to the west, Brimbles. At present this gap, of some 6m according to the appellant, has a shingled side drive with double gates sited on it. The construction of a new access would have the potential to cause noise and disturbance to the occupants of both properties. However, the level of traffic accessing a 2 bedroom bungalow would be low and, with the imposition of suitable screening and landscaping conditions, and considering the width of the existing gap, would not cause significant harm in my view to these residents.

13. The Council refer to two appeal cases in their consideration. However, both appear to be set in different areas of the Borough and have differing characteristics. Furthermore, each case must be considered on its own merits.

14. I therefore conclude that the proposal would not have a material adverse effect on the character and appearance of the surrounding area or to the living conditions of adjacent residents, with regard to noise and disturbance. The proposal would comply with policy CS12 of the Core Strategy, and saved policies 10, 13 and appendix 3 of the Local Plan2. When taken together these policies state that development should integrate with the streetscape character, be compatible with the character of the surrounding area, avoid disturbance to surrounding properties, respect adjoining properties in terms of layout and site coverage, with planning conditions used to control and meet the adverse impacts. Appendix 7 of the Local Plan refers to

small scale house extensions and so is not strictly relevant in this case.

2 Dacorum Borough Local Plan 1991-2011, 2004

Other considerations

15. The proposal would generate economic and social benefits through the construction of 1 dwelling and the future activities of the residents of the property, and I am led to understand that the property may be for an elderly relative, although I have little evidence in this regard.

16. Various examples of backland development within Northchurch Common are submitted by the appellant. Above, I have concluded that the scheme would not cause harm to the character and appearance of the area. With respect to the Green Belt, many of the cases submitted appear to constitute replacement dwellings or conversions of outbuildings which may fall within differing exceptions to inappropriate development in the Green Belt under paragraphs 89 and 90 of the Framework. As such I do not consider that they constitute precedents on this matter.

Conclusions

17. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition the scheme would also a minor harmful effect on openness, which is an essential characteristic of the Green Belt. While acknowledging the lack of harm that the scheme would cause to the character and appearance of the area I do not consider that the limited economic and social benefits of 1 dwelling, would clearly outweigh the harm that the scheme would cause, to which I am obliged to give substantial weight to. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. The proposal would also be contrary to Policy CS5 of the Core Strategy.

18. The appellant considers that the proposal would be sustainable development. The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development; however the Framework also states that paragraphs 18 to 219 constitute the Government's view of what sustainable development consists of, and by virtue of the harm that I have found the scheme would cause to the Green Belt, in my view the proposal would not constitute sustainable development.

19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

F. ALLOWED

None