
Appeal Decision

Site visit made on 30 August 2016

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 September 2016

Appeal Ref: APP/K0425/W/16/3152501

Dunsmore Park Lodge, Diners Hill, Dunsmore, Aylesbury, Buckinghamshire HP22 6QH

- 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 & Mrs T Lee against the decision of Wycombe District Council.
 - The application Ref 16/05542/FUL, dated 24 February 2016, was refused by notice dated 27 April 2016.
 - The development proposed is described on the application form as an amendment to application No 13/07875/FUL to include reduction of basement area and 3 No dormer windows on rear elevation.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing bungalow and the erection of a replacement 3 bed dwelling with basement and rooms in the roof void at Dunsmore Park Lodge, Diners Hill, Dunsmore, Aylesbury, Buckinghamshire HP22 6QH in accordance with the terms of the application, Ref 16/05542/FUL, dated 24 February 2016, and the plans numbered 2011/837/6, 2011/837/9 rev D, and 2011/837/1 rev L, subject to the following condition:
 - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A-E of Part 1 of Schedule 2 shall be carried out without the prior express planning permission of the local planning authority.

Procedural Matter

2. The Council have, on their decision notice, described the development as the demolition of the existing bungalow and the erection of a replacement 3 bed dwelling with basement and rooms in the roof void. The appellant has referred to a similar description on their appeal form. Given that the development is for a new dwelling I consider that the above description more accurately reflects the development proposed and I have dealt with the appeal on this basis.
 3. At my site visit I saw that the majority of the external works to the dwelling had been completed and works were continuing on the internal decoration of the property. The rear patio had recently been laid, but other curtilage works had not been completed.
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Main Issues

4. The main issues are:

- (i) whether the proposal would be inappropriate development in the Green Belt;
- (ii) the effect on the openness of the Green Belt; and
- (iii) if the development is inappropriate, whether the 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 the development.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

- 5. The National Planning Policy Framework (the Framework) at paragraph 89 sets out the categories of development which may be regarded as not inappropriate in the Green Belt. Replacement of a building can be considered as not amounting to inappropriate development provided it is not ‘... materially larger than the one it replaces’¹.
- 6. In this case the original dwelling on the site, from the Council’s figures, was approximately 84 square metres in size. The current proposal would amount to approximately 255 square metres if the underground basement area is included (approximately 58 square metres). This amounts to an overall floor area increase of approximately 214% (or 165% increase if the basement is excluded).
- 7. Policy GB2 of the Wycombe District Local Plan 2004 (LP) defines the circumstances where development may be permitted in the Green Belt, including by reference to subsequent more detailed Green Belt policies. Policy GB5 of the LP states that in the Green Belt replacement dwellings will not be permitted where they would be greater in size than the gross floor area of the original dwelling plus either 50%, or 120 square metres, whichever is the smaller. In addition, Policy CS9 of the Wycombe Development Framework Core Strategy 2008 (CS) states that the Green Belt will be protected from inappropriate development “as defined in Government Policy”.
- 8. Given the increase in the floor area, when compared to the original dwelling, I conclude that the replacement dwelling would be materially larger than the one it would replace, and accordingly the proposal would be inappropriate development in the Green Belt. The proposal in this respect would be contrary to the Framework, Policy CS9 of the CS and Policies GB2 and GB5 of the LP.

Effect on the openness of the Green Belt

- 9. Paragraph 79 of the Framework outlines a fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

¹ Fourth bullet point of paragraph 89 of the Framework

10. As a result of the increase in size and bulk of the dwelling, when compared to the original dwelling, it is inevitable that there would be a reduction in the openness of the area.
11. I therefore conclude that the development would lead to a loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside contrary to the Framework and Policy GB2 of the LP.

Other considerations

12. My attention has been drawn to an extant planning permission, 13/07875/FUL, which is also for a replacement dwelling which would have the same footprint as the current proposal. It seems to me that should this appeal fail then there is a reasonable prospect that this fallback position would be implemented. I therefore give this substantial weight.
13. The extant permission allows for a dwelling of the same footprint as the appeal proposal and also includes habitable room space within the roof lit by vertical windows in each gable elevation together with vertical windows to the landing area and a rooflight to the bathroom. It also included a much larger subterranean basement area than the current proposal. The main external differences between the two schemes are the removal of the chimney and its replacement with a flue, the provision of a canopy over the external doors to the utility room and hall, and four dormer windows on the rear elevation.
14. The Council's concern relates to the perceived increase in mass, bulk and habitable floor area as a result of the dormer windows. Notwithstanding the approach in Policy GB5 in relation to the counting of floor area in the roof when there are dormer windows, paragraph 89 of the Framework simply requires that an assessment be made of whether a replacement building would be materially larger than the one it replaces.
15. In terms of floor area, the dormer windows would not provide any increase over and above the extant permission but would merely enable the area to be a more usable habitable space which would be a modest benefit. In the absence of the dormer windows, the floor area would still be there and this is an important material consideration. In addition to the above, when comparing the current proposals floor area to the extant permission there would be a net reduction as a result of the smaller basement area.
16. The appellant has stated that the dormer windows would result in a net increase in volume of 0.6%, over and above the extant permission (excluding the decrease as a result of the smaller basement area), which is not disputed by the Council. The dormer windows are relatively small and are well proportioned in relation to the size and massing of their host dwelling. They also have hipped roofs which blend them into the roofscape of the building. Furthermore, three of the dormers would not go beyond the backdrop of the bathroom roof which projects out from the rear elevation, which would further minimise their impact on the area. The fourth dormer is located in the bathroom and is very small. To my mind, the extent of the massing and projection of this dormer window is negligible.
17. In addition to the above, when comparing the effect on openness of the Green Belt between the extant permission and the current scheme, the resultant impact would also be negligible.

18. The site is also located within the Chilterns Area of Outstanding Natural Beauty (AONB). The Council have considered that the development, as a consequence of the buildings dormer windows, would not have an adverse impact on the special character of the AONB and I have no reason to disagree.

Green Belt balance

19. Paragraph 87 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances.
20. I have concluded that the proposal would be inappropriate development and would therefore, by definition be harmful to the Green Belt. I have also concluded that the proposal would harm the openness of the Green Belt. Paragraph 88 of the Framework identifies that substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
21. On the other hand I have found that the current scheme would have a reduction in floor area when compared to the extant permission. As the increase in floor area (from the original dwelling as per the Framework test) is the reason why the proposal is inappropriate development the reduction of floor space when compared to the extant (fallback) position is a factor I give very great weight to. The proposal would also provide a better level of accommodation which is a modest benefit and would have a negligible additional impact on openness compared to the extant permission which is a neutral factor. To my mind these factors, in combination, weigh very substantially in favour of the development.
22. Therefore, the substantial weight given to the harm arising from inappropriate development and its effect on the openness of the Green Belt would be clearly outweighed by the very great weight I have given to the fallback position and the additional minor benefit to the accommodation. This amounts to the very special circumstances necessary to justify the proposal.

Conditions

23. In the interests of the openness of the Green Belt it is also necessary to remove permitted development rights for future buildings and extensions to the dwelling. In relation to the suggested conditions relating to materials, it is noted that all of the external surfaces of the dwelling had been completed at the time of my site visit. Given that the materials used presented an acceptable appearance, such a condition is not necessary.

Conclusion

24. Taking all matters into consideration, for the reasons given above I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR