
Appeal Decision

Site visit made on 25 October 2016

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 02 November 2016

Appeal Ref: APP/N0410/W/16/3153457

Darbar, Fir Tree Avenue, Stoke Poges, Buckinghamshire SL2 4NN

- 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 M Johal against the decision of South Bucks District Council.
 - The application Ref 16/00027/FUL, dated 5 January 2016, was refused by notice dated 8 April 2016.
 - The development proposed was originally described as a new 5 bed detached house, carport and double garage.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. During the determination of the application, amended plans were submitted which showed the house reduced in depth and the car port and double garage replaced with a detached double garage. I have determined the appeal on the basis of the amended plans.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to very special circumstances necessary to justify it;

Reasons

Inappropriate development

4. Paragraph 89 of the Framework is clear that the construction of new buildings in the Green Belt is inappropriate. However, it adds that an exception to this is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. It is clear that the proposed
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dwelling would meet the first of these criteria. In respect of the second, Policy GB11 of the South Bucks District Local Plan (the 'Local Plan') states that the size of replacement dwellings must be no greater than the original house plus the size of any extensions that would comply with Policy GB10 of the Local Plan. The explanatory text to Policy GB11 clarifies that this means that dwellings that are greater than 50% bigger than the original house would be unacceptable. Policy GB11 pre-dates the Framework and there is a degree of discrepancy in that the policy relates to the original dwelling, whereas the Framework relates to the existing building to be replaced. However the policy is broadly consistent with the Framework by limiting the size of replacement buildings, and so can be considered up to date. Therefore I give significant weight to it.

5. Paragraph 89 of the Framework also confirms that a further exception to inappropriate development is the partial or complete redevelopment of previously developed sites, with development which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it, than the existing development. Policy GB11 of the Local Plan is consistent with this also in that by limiting the size of replacement dwellings it aims to ensure development has no greater impact on the openness of the Green Belt.
6. It is agreed by the parties that the development as a whole would have a floor area of 445.9 square metres, though the Council accept that as the proposed double garage would be detached from the house its floor area should not contribute to the calculation of the size of the replacement dwelling. Therefore, for the purposes of Policy GB11, the replacement dwelling can be considered to measure 412.8 square metres. Similarly it is not disputed that the original floor area of the dwelling was 167.7 square metres and that the current floor area is 298.8 square metres.
7. It is clear that the proposal would be considerably greater than 50% larger than the original dwelling. It would also be materially larger than the existing building it would replace. As such the replacement dwelling would be inappropriate development which is, by definition, harmful to the Green Belt.

Openness

8. Openness is an essential characteristic of the Green Belt as set out in paragraph 79 of the Framework. Openness would inevitably be reduced by the larger development on the site. Although the proposal would represent a more compact form of development compared to the existing sprawling layout, the increase in the height of development on site and the resultant increase in bulk at first floor level and above would have a significant visual impact on openness, notwithstanding that only limited views of the dwelling would be possible from Fir Tree Avenue. Therefore, the proposal would have a greater impact on openness than the existing development. This weighs against the development, and is in addition to the inappropriateness of the proposal.

Other considerations

9. There is a lawful development certificate¹ relating to side extensions and a porch, and the Council have determined that prior approval² is not required for

¹ 14/01389/CLOPED

² 14/01705/GPDE

a proposed rear extension to the house. It is not disputed by the parties that the floor area of the dwelling would be 447.2 square metres if the works covered by these decisions were carried out, which would result in a building with a greater floor area than that subject of this appeal. However all these extensions would be at ground floor level, whereas the appeal proposal would be a much grander building with a considerable increase in the height and bulk of development on site. As such, though it would have a marginally smaller floor area, I do not consider this fall back position would have a greater visual impact on the openness of the Green Belt than the proposal before me and therefore I give it limited weight.

10. Likewise, though outbuildings could be erected around the site utilising the existing dwelling's permitted development rights³, such outbuildings would be restricted in size and height by the terms of the Order and would therefore have a limited visual impact on openness. Notwithstanding this, I have no evidence before me of any specific proposals for such outbuildings, and can give this matter only minimal weight.
11. The proposal is well designed and would generally reflect the style of other houses in the area which is characterised by large detached dwellings in spacious verdant plots. However any improvement in the appearance of the site would be limited as the existing dwelling, though dated, is well maintained and is not unattractive. Therefore, I give limited weight to this consideration.
12. I acknowledge the development would not affect the living conditions of occupiers of neighbouring properties, would have no impact on highway safety, would provide sufficient amenity space for the future occupiers and would be an environmentally friendly form of development. However these are matters that would be expected of any new dwelling. Similarly the jobs created through the construction of the development would be similar to that created by the construction of any new home. Hence I give these issues neutral weight.
13. The appellant states that the proposal would be more suited to the appellant's needs than the existing house. However I have no detail as to why this would be the case and so I can give this matter only very minimal weight.
14. The Council consider that the development, if permitted, would set a precedent for similar development elsewhere in the Green Belt. I have no evidence of any directly comparable sites before me, and in any case each application and appeal must be determined on its own merits. As such, little weight can be attached to this consideration.

Planning Balance and Overall Conclusion

15. The Framework advises that the Government attaches great importance to Green Belts and that substantial weight should be given to any harm to the Green Belt. I consider that the development would cause harm to the Green Belt by way of inappropriateness and to its openness. Balanced against that are the other considerations identified above. For the reasons given, I conclude that they do not clearly outweigh the harm to the Green Belt and therefore there are no very special circumstances to justify the proposal.

³ Under Class E, Part 1, Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015.

16. As such, the development would conflict with Policies GB1 and GB11 of the Local Plan and the Framework which aim to protect the Green Belt from inappropriate development.
17. For the reasons given above, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR