
Appeal Decision

Site visit made on 24 October 2016

by Thomas Bristow BA MSc MRTPI

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

Decision date: 16 November 2016

Appeal Ref: APP/N0410/D/16/3157751

Two Gates, Village Road, Dorney, Berkshire SL4 6QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Neale Manley against the decision of South Bucks District Council.
 - The application Ref 16/00794/FUL, dated 25 April 2016, was refused by notice dated 1 July 2016.
 - The development proposed is described on the application form as '*proposed orangery to rear elevation*'.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed orangery to rear elevation at Two Gates, Village Road, Dorney, Berkshire SL4 6QW in accordance with the terms of the application Ref 16/00794/FUL, dated 25 April 2016, subject to the schedule of conditions in this decision.

Main Issues

2. The main issues are:
 - 1) whether or not the proposal represents inappropriate development in the Green Belt,
 - 2) the effect of the proposal on the openness of the Green Belt, and
 - 3) if the proposal represents inappropriate development, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Reasons

3. Two Gates is a modest semi-detached dwelling of understated traditional form located centrally within the close-knit historic village of Dorney, which in turn falls within the Metropolitan Green Belt. The neighbouring property, Prior's Croft, is Grade II Listed. In whole or part the appeal site is also covered by various planning designations.¹ However the Council do not object to the proposal other than in relation to its effect upon the Green Belt, and there is

¹ The Dorney Village Conservation Area, Flood Risk Zone, Archaeological Notification Area, Tree Preservation Order Ref. 31, 2005.

nothing in the evidence before me to lead me to a different assessment of the proposal in other respects. I have approached the appeal on this basis.

Whether or not the proposal represents inappropriate development

4. Saved policy GB1 '*Green Belt boundaries and the control over development in the Green Belt*' of the *South Bucks District Local Plan* adopted originally in March 1999 (the '*Local Plan*') sets out that permission will only be granted for certain types of development within the Green Belt, including the '*limited extension, alteration or replacement of existing dwellings, in accordance with policies GB10 and GB11 of this Plan*'.
5. Saved policy GB10 '*Extensions to dwellings in the Green Belt*' of the Local Plan establishes several criteria that must be satisfied in order for such development to secure permission.² Criterion (b) requires that extensions are '*of a small scale relative to the size of the original dwelling*'. Supporting paragraph 3.45 of the Local Plan details that extensions which would result in the original dwelling having increased its floorspace by more than half will not be regarded as small scale.
6. Originally 94.86 square metres in floorspace, Two Gates has previously been extended by 45.1 square metres, a 48 per cent addition. The proposal to which this appeal relates would add a further 17.48 square metres to the property, amounting collectively to a 66 per cent floorspace addition beyond its original size.³
7. The proposal therefore conflicts with the approach in saved policy GB10 of the Local Plan and, as a consequence, with saved policy GB1 also. However the adoption of the Local Plan pre-dates the publication in March 2012 of the *National Planning Policy Framework* (the '*Framework*'). It is therefore necessary to consider the degree of consistency of saved policies GB1 and GB10 with the approach in the Framework in order to establish what weight can be accorded to them relative to other material considerations.⁴
8. Paragraph 89 of the Framework establishes that the construction of new buildings is inappropriate in the Green Belt, and identifies certain categories of development which are exceptions to this position. One such exception is '*the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling*'.
9. '*Disproportionate*' is not subject to any more specific definition, and thus the test in the Framework is not so prescriptive as the 50 per cent limit set out in the Local Plan. This tempers the weight that I can accord to policies GB10 and GB1, and I have therefore considered the proposal more generally with reference to its form, bulk and prominence. This approach is consistent with that taken by other inspectors in cases referred to me by the appellant.⁵

² The provisions of saved policy GB11 '*Rebuilding of dwellings in the Green Belt*' are not relevant here given that the development proposed is to extend an existing dwelling.

³ Figures taken from the Council's officer report associated with the original application, which are not disputed.

⁴ With reference to paragraph 215 of the Framework.

⁵ Appeals Ref APP/N0410/D/13/2197312 and APP/N0410/D/13/2205980.

10. One elevation of the orangery would be principally brickwork. However as a whole, and being otherwise largely composed of glazing including its roof, the orangery would be of lightweight form. The extension would be of modest scale relative to the original property and indeed to that of the previous extension. As a consequence, and on account of its limited height compared with that of the existing property, in form and bulk the orangery would in my view be clearly subservient to Two Gates and represent a minor addition to it, including when considered in conjunction with the scale and bulk of the existing extension.
11. Given the narrow separation distance between the side elevations of Two Gates and neighbouring Priory Croft, I observed during my site visit that the location of the proposal is not visible from public vantage points along Village Road. Whilst the orangery may be visible from the car park of the Palmer Arms public House nearby, views here would be essentially limited to the glazed roof of the proposal by virtue of intervening boundary fences and planting. There appeared to be no more distant public vantage points from which the proposal would be readily apparent.
12. Therefore whilst the proposal would conflict with the relevant provisions of saved policies GB1 and GB10 of the Local Plan, for the above reasons it would not appear as a disproportionate addition over and above the size of the original dwelling in line with the approach in the Framework. As a consequence, and as the weight that can be accorded to relevant elements of the Local Plan must be qualified as set out above, I therefore conclude that the proposal does not represent inappropriate development within the Green Belt.

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

13. Criterion (d) of saved policy GB10 of the Local Plan requires that development does not '*adversely affect character or landscape*'. Similarly the Framework sets out that the Government attaches great importance to Green Belts, with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.
14. Physically the proposal would inherently reduce the openness of the Green Belt by virtue of introducing a man-made structure where one is not currently present. However this would be *de minimis* relative to the extent of the Green Belt in this location given the scale of the proposal. Moreover, as identified above, visually there are few surrounding vantage points from which the proposal would be readily apparent. The appeal site is furthermore nestled within a relatively close-knit residential area, and as such the orangery would inevitably be viewed in conjunction with properties nearby rather than appearing to intrude into the open countryside to the detriment of its character.
15. For these reasons, although there would be some effect on the openness of the Green Belt, given the particular nature of the proposal and its surrounding context, this would not in my view be unacceptable. I therefore conclude that

the proposal accords with criterion (d) of saved policy GB10 of the Local Plan and with relevant elements of the Framework. As a consequence of my finding in respect of this main issue and the first, it is unnecessary to address the third identified in paragraph 2 above.

Other Matters

16. I note the Council's second stated reason for refusal, which is that allowing this proposal is liable to lead to pressure for similar development elsewhere which may cumulatively result in harm to the openness of the Green Belt. However I have explained above that it is the particular nature of the development proposed and its surrounding context which render it acceptable, and as each proposal must be determined on its particular merits the potential for this decision to set a precedent is in my view strictly limited. As such this matter does not outweigh my findings in respect of the main issues in this case.

Conclusion

17. Whilst the proposal would conflict with the development plan, the weight accorded to this conflict must be qualified given that saved policy GB10 and by extension saved policy GB1 are to some degree inconsistent with the approach in the Framework. Considered in relation to the Framework, however, the proposal would neither represent inappropriate development nor have an unacceptable effect on the openness of the Green Belt. Consequently I find that other material considerations in favour of the proposal outweigh the conflict that would arise with the development plan, and, having taking into account all other matters raised, I conclude that the appeal should be allowed.

Conditions

18. It is necessary to impose a condition requiring compliance with the relevant plan supporting the application for the avoidance of doubt and in the interests of proper planning. It is also necessary to require via condition that the external materials to be used match those of the existing property in order to ensure that the proposal integrates appropriately with the character and appearance of its surroundings. In imposing conditions I have had regard to the tests within the Framework and to the *Planning Practice Guidance*.⁶

Thomas Bristow

INSPECTOR

⁶ Paragraph 206 of the Framework and Guidance Reference ID: 21a-004-20140306.

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the plan entitled '*Proposed orangery for Mr Neale Manley @ Two Gates, Village Road, Dorney, Berks*' supporting application Ref 16/00794/FUL.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.