
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: 17 November 2016

Appeal Ref: APP/N0410/D/16/3159364

Kulm, Stoke Wood, Stoke Poges, SL2 4BA

- 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 & Mrs B Morrisroe against the decision of South Bucks District Council.
 - The application Ref 16/00907/FUL, dated 12 May 2016, was refused by notice dated 9 August 2016.
 - The development proposed is described on the application form as a '*part two storey/ part first floor side/ rear extensions, incorporating attached garage and orangery*'.
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Decision

1. The appeal is allowed and planning permission is granted for a part two storey/ part first floor side/ rear extensions, incorporating attached garage and orangery at Kulm, Stoke Wood, Stoke Poges, SL2 4BA, in accordance with the terms of the application Ref 16/00907/FUL, dated 12 May 2016, subject to the schedule of conditions in this decision.

Preliminary Matter

2. The proposal to which this appeal relates follows planning permission Ref 15/02397/FUL which was also for extensions to the property, and I understand remains extant (the 'previous permission'). Whilst I have determined the proposal before me on its particular merits, it is nonetheless appropriate to have regard to the development that could be brought forward via the previous permission in any event. I have, however, omitted the reference made to the previous permission within the original application form in the description of development given above as the two schemes are separate proposals.

Main Issue

3. The main issue of the appeal is whether or not the proposal represents inappropriate development in the Green Belt.

Reasons

4. Kulm is a grand modern detached dwelling of neoclassical design set in a generous plot, which was granted consent via planning permission Ref 11/00702/FUL (as amended by permission Ref 11/01038/VC). Accessed via a tranquil private carriageway named Stoke Wood, which also serves several
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other individually designed properties, the appeal site falls within the Metropolitan Green Belt.

5. The topography of the appeal site and its surroundings is largely flat. Ancient woodland lies to the north, and the appeal site is bounded on all sides by tall banks of established vegetation and mature trees. As a consequence, Kulm is barely visible from nearby public vantage points, or indeed from the gardens of neighbouring dwellings, and is largely imperceptible in the wider landscape.

Whether or not the proposal represents inappropriate development

6. 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*'.
7. Saved policy GB10 '*Extensions to dwellings in the Green Belt*' of the Local Plan establishes several criteria that must be satisfied in order for development of this type to secure permission.¹ Criterion (b) requires that extensions are '*integral to, and... of a small scale relative to the size of the original dwelling*'. Supporting paragraph 3.45 of the Local Plan establishes that extensions which would result in the original dwelling having increased its floorspace by more than 50 per cent will not be regarded as 'small scale'.
8. The Council refer within their decision notice to what they consider to be the unsatisfactory '*size and scale*' of the proposal with reference to the effect of the proposal on the landscape. There appears to be no dispute, however, that the proposal, by virtue of its physical connection to the existing dwelling and similar design features, would be integral to it. Likewise, it is not disputed that the proposal would result in a 50 per cent floorspace addition to the original dwelling as built.² On the face of it, this appears to bring the proposal into compliance with criterion (b) of saved policy GB10.
9. However, the Council also cite in their decision notice that the proposal would conflict with the approach within the *National Planning Policy Framework* (the '*Framework*'). 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*'.
10. 'Disproportionate' here is defined in no greater detail, unlike within saved policy GB10. In this context it is therefore necessary in my view to consider whether or not the bulk, form and prominence of the proposal would result in an extension which would appear disproportionate (a separate consideration from its scale in respect of floorspace uplift alone).

¹ The provisions of saved policy GB11 '*Rebuilding of dwellings in the Green Belt*' are not relevant here given that the development proposed is the extension of an existing dwelling.

² An additional 225 square metres above the 452 square metres of the original property as built.

11. To the rear of the property a single storey extensively glazed orangery is proposed. Being at ground floor level this element of the proposal would be substantially screened by the boundary features of the appeal site and by the presence of the existing dwelling itself. Although the roof of the orangery may feature less glazing compared with the permitted design, the flat roof profile now proposed would reduce its overall scale. The orangery would therefore in my view represent a modest extension of lightweight form which would not be prominent.
12. A part single-storey, part two-storey new wing is also proposed. This would encompass and extend slightly beyond the form of an existing double garage which is situated to the front of the property in line with its north eastern side elevation. This element of the proposal would add to the overall bulk of the property. However, the existing garage is already a substantial structure, which mitigates the extent to which the proposal would represent a significant increase in bulk compared with the present situation.
13. This element of the proposal would furthermore remain subservient in appearance to that of the host property, by virtue of its subordinate scale and in terms of form (including a lower ridge height and as the lobby element would be set back from the line of the side extension of the existing dwelling). In design it would replicate the features of the host property, tying in with it rather representing an incongruous addition.
14. I acknowledge that there are certain features of this latter element of the proposal which were not present in relation to the previous permission including a new dormer, an enlarged dormer, gable-ended roof form and single storey extension. However, these elements do not increase the floorspace above that which has already been permitted. Moreover the visual prominence of the proposal would be highly limited on account of the situation of the property described in paragraph 5 of this decision. Consequently, the difference between the proposal before me and that which has previously been permitted would be barely perceptible from public or private vantage points with reference to bulk, form and prominence.
15. For the above reasons, I conclude that the proposal would not lead to disproportionate additions over and above the size of the original dwelling and would not be inappropriate development in the Green Belt. The scheme would therefore comply with the relevant provisions of saved policies GB1 and GB10 of the Local Plan and with relevant elements of the Framework.

Other Matters

16. I note the Council's concern over the pressure that may arise were this proposal permitted for similar development elsewhere in the Green Belt which may, cumulatively, lead to harm. However, it is the particular circumstances related to this proposal that render it acceptable, including the extant previous permission. For these reasons, and as each proposal must be determined on its particular merits, the potential for this decision to set a precedent for development elsewhere is limited.
17. Various trees within the appeal site are covered by *Tree Preservation Order No: 6, 1993* as subsequently modified. However, subject to an appropriate

condition relating to the *Arboricultural Survey* associated with the application,³ the Council does not object to the effect of the proposal on the wellbeing of trees nearby and I have no reason to disagree with that assessment. Consequently neither this, nor any other matter, is sufficient to outweigh my findings in respect of the main issue in this case.

Conditions

18. The Council and appellant have indicated, in the event that the permission is granted, that the same conditions should be applied as were imposed in respect of permission Ref 15/02397/FUL. In this context it is necessary to require compliance with the relevant plans via condition in the interests of proper planning and for the avoidance of doubt. I also agree that it is necessary to impose a condition requiring that the external materials to be used match those of the existing dwelling to ensure the proposal integrates appropriately in terms of the character and appearance of its surroundings. For the purposes of clarity and in order to ensure that the parking provision within the garage of the development hereby permitted remains available for vehicular use, I have imposed a condition restricting the use to which this element of the proposal may be put.
19. Given the potential for subsequent extensions or outbuildings to adversely affect the openness of the Green Belt, it is also necessary to withdraw via condition certain permitted development rights. I would note here that the form of this condition that has been put to me would restrict permitted development rights in relation to the dwellinghouse as a whole which is not relevant to the development proposed, and I have amended this condition accordingly. Whilst a further condition has been proposed preventing the exercise of certain permitted development rights during the period between grant of consent and commencement, this is unnecessary given that in any event condition No 4 of planning permission Ref 11/00702/FUL, which relates to the dwelling as built, already withdraws such permitted development rights.
20. To safeguard the wellbeing of trees nearby it is further necessary to impose a condition requiring adherence to an agreed tree protection scheme prepared in line with the recommendations of the *Arboricultural Survey* supporting the application. I would note here that condition No 7 of permission Ref 15/02397/FUL refers to an arboricultural method statement and arboricultural supervision of works, which are not addressed within the information before me. It is therefore necessary to require that an agreed tree protection scheme is established before development is begun as any work may affect the wellbeing of trees. I would further note that I have altered the wording of some conditions from that which has been proposed in order to ensure compliance with the requirements of Paragraph 206 of the Framework whilst preserving their aim.

Conclusion

21. For the above reasons, and taking all other matters raised into account, the proposal complies with the development plan taken as a whole and with the

³ *Arboricultural Survey*, prepared by Merewood Arboricultural Consultancy Service, dated 11 November 2015.

approach in the Framework. I therefore conclude that the appeal should be allowed.

Thomas Bristow

INSPECTOR

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 following plans supporting application Ref 16/00907/FUL: 2016/1006/1 Rev. B and 2016/1006/2.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
- 4) The garage space of the development hereby permitted, as illustrated on plan 2016/1006/1 Rev. B, shall not be used other than for the accommodation of private motor vehicles or for purposes incidental to the enjoyment of the dwellinghouse as such, and in particular shall neither be used for any business purposes nor converted into living accommodation without the prior written consent of the local planning authority.
- 5) Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and E of the *Town and Country Planning (General Permitted Development) (England) Order 2015* (or any order revoking, re-enacting or modifying that Order), no enlargement, improvement or other alteration, roof additions or alterations, or provision of buildings or structures for incidental use related to the development hereby permitted (which includes the erection of any garage, stable, loosebox or coach-house) shall be undertaken without the prior written consent of the local planning authority.
- 6) No development hereby permitted shall take place until a tree protection scheme has been submitted to and approved in writing by the local planning authority (which shall accord with the *Arboricultural Survey*, prepared by Merewood Arboricultural Consultancy Service, dated 11 November 2015 supporting application Ref 16/00907/FUL and include arrangements for the supervision of construction by an arboricultural specialist). Development shall be carried out in accordance with the approved scheme.