

Appeal Decision

Site visit made on 9 December 2016

by Christa Masters MA (hons) MRTPI

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

Decision date: 16th December 2016

Appeal Ref: APP/N0410/D/16/3163255

8 Jones Way, Hedgerley, S Bucks

- 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 L Westhoff against the decision of South Bucks District Council.
 - The application Ref 16/01291/FUL, dated 8 July 2016, was refused by notice dated 25 August 2016.
 - The development proposed is rear (PD) conservatory. Part demolition of side of garage ie 4m2. Reuse of area at rear first floor level as bedroom extension. (ie within greenbelt restriction).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has referred to another appeal decision within the grounds of appeal¹. I have had regard to this decision in reaching my conclusions below.

Main Issue

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

Reasons

4. The appeal site is a semi-detached residential property set within an established residential area. Jones Way is a cul-de-sac which faces onto a recreational ground.

¹ T/APP/N0410/A/99/1029630/P4

Whether inappropriate development?

5. Within the Green Belt, the Framework establishes that new buildings are inappropriate unless, amongst other things, they involve an extension to an existing building. This is provided the proposal does not result in a disproportionate addition over and above the size of the original building. Policies GB1 and GB10 of the South Bucks District Local Plan (LP) 1999 reinforce the Framework in this regard. Policy GB1 states, amongst other things, that limited extensions will be permitted in accordance with policy GB10 which states that extensions together with earlier extensions should be of a small scale in relation to the size of the original dwellinghouse.
6. The existing property has been extended in the past and the parties agree that the original floor area was 108m². The proposal before me would see the total floorspace increased by 84m², which would be a 77% increase in the size of the original dwellinghouse. In my view, as a result of the size and scale of the extension, the proposal would result in a disproportionate addition to the property which would by definition result in development which would be inappropriate and thus harmful to the Green Belt. As a result, the proposal would therefore be in conflict with policies GB1 and GB10 as well as the Framework in particular, paragraphs 88 and 89.

Effect on Openness

7. The Framework establishes that one of the essential characteristics of the Green Belt is openness. The proposal would increase the bulk and scale of the existing dwelling. However, as there is already a dwelling on the site, the harm to openness would be limited.

Other considerations

8. The appellant states that the proposal would improve the visual gap between the side boundary of the property. The appellant also notes that the development at the rear of the property would not be readily visible from Jones Way. These are issues concerning the character and appearance of the Green Belt and whilst they may be correct, they do not in my view present benefits to way in favour of the appeal proposal.
9. The appellant states that a substantial extension could be built without the need for planning permission. I have no plans indicating how these works would affect the property and no details of any prior approval in place for such works. Furthermore, I have no substantive evidence before me that there is a high probability that these rights would be exercised or that these works would have a greater impact on the openness of the Green Belt when compared with the appeal proposal. The weight I can attach to this statement is therefore limited.
10. My attention has been drawn to an appeal decision for a property in Wexham. This decision was issued sometime ago in 1999, prior to the introduction of the Framework. I do not have the full details of the development proposed or the evidence which was presented to the Inspector at that time. In particular, I note the Inspector referred to a recent substantial extension at 'Sunnyview'. I have no details concerning this proposal. Moreover, as noted by the previous Inspector, each proposal must be considered on its own merits, and my

decision has been based on the particular circumstances of the case before me. As such, I can place only limited weight on this decision.

11. The appellant has also provided a list of other planning decisions at appendix 1 of the grounds of appeal which they consider are similar to the appeal proposal. Although I do not have the full details of these other developments, it does not appear from the information presented that they are comparable in size or form to the appeal proposal. The weight I can attach to this evidence is therefore limited.
12. I note the Council have raised concerns that the proposal would be likely to act as a precursor to further applications of a similar form in Jones Way. However, each application must be considered on its own merits, as is the case here.

Conclusion

13. Taking into account all matters raised, there are no issues which would clearly outweigh the harm that would be caused to the Green Belt by reason of inappropriateness and the small loss of openness. As a result, no very special circumstances exist to justify allowing the development. For these reasons, I therefore conclude the appeal should be dismissed.

C Masters

INSPECTOR