
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/16/3163609

1 Stoke Cottages, Bangors Road South, Iver, SL0 0BE

- 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 Harbir Kahlon against the decision of South Bucks District Council.
 - The application Ref 16/01322/FUL, dated 18 July 2016, was refused by notice dated 30 August 2016.
 - The development proposed is erection of first floor side extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There was a recent appeal decision at the site. The proposal was described as a single storey front entrance porch, with a first floor side extension above original extension¹. This decision was dismissed in February 2016. I have had regard to this decision in reaching my conclusions below.

Main Issues

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 development would be inappropriate, 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

Whether inappropriate development?

4. The appeal property is a semi detached residential dwelling set in a prominent location along a busy main road. The Framework establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves the extension of a building. This is provided that it does not result in disproportionate additions over and above the size of the original building.

¹ APP/N0410/D/15/3133452

5. The Framework is reinforced by policies GB1 and GB10 of the South Bucks District Local Plan (LP) 1999. In particular, policy GB1 advises, amongst other things, that limited extensions will be permitted in accordance with policy GB10. Policy GB10 states that extensions will normally be permitted provided that the extension together with earlier extensions would be of a small scale in relation to the size of the original dwelling.
6. The original dwelling has a floor area of 86m². The extension as proposed would equate to 31m² of floor area. When considered with the existing extensions which have taken place, this would equate to a 92% increase above the size of the original dwellinghouse. I agree with the appellant that the increase proposed would not be small in scale as envisaged by the development plan policies outlined above. As a result, it would by definition result in development which would be inappropriate and thus harmful to the Green Belt. For these reasons, I therefore conclude the proposal would be contrary to policies GB1 and GB10 outlined above as well as paragraphs 88 and 89 of the Framework.

Effect on openness

7. The proposed extension would increase the bulk and scale of the side of the property, thereby reducing the openness of the Green Belt. As noted by the previous Inspector, the wide spacious setting of the property adds to the sense of space in the area. The proposal would significantly increase the bulk and massing of the dwelling within this spacious setting. The Framework makes it clear that one of the essential characteristics of Green Belt is their openness. The proposal would therefore cause harm to the openness of the Green Belt which given its importance as a key attribute, must be afforded substantial weight in the consideration of the appeal proposal.

Other Considerations

8. The appellant states that development could be constructed under permitted development which would result in more harm to the Green Belt than the appeal proposal. These works include a 6m deep rear extension, a loft conversion incorporating hip to gable extension and two detached outbuildings. The appellant has provided me with details concerning these permitted development works, including the decision notices and drawings. Both the rear extension and outbuildings would be single storey only so would not add to the overall bulk and massing of the host property in the same way as the appeal proposal would. The loft conversion would also not alter the bulk and scale of the property. Whilst I acknowledge that the roof alterations would change the appearance of the property, these works would not in my view be as significant in bulk and massing terms as the appeal proposal before me.
9. I also share the concerns expressed by the Council that the outbuildings in particular would present an awkward layout within the amenity space at the property. Although the appellant states that the size of these outbuildings may alter, I am only able to assess the appeal proposal on the basis of the evidence before me. As a result, even assuming the appellant implements these works, I do not consider that the permitted development schemes either individually or collectively would have any greater impact on the openness of the Green Belt than the appeal proposal. I therefore give this matter limited weight.

10. The appellant has also stated that permitted development rights could be removed by way of a condition if this appeal were allowed. However, the removal of permitted development rights through the use of a condition would only come into effect once the development permitted had commenced. There would be nothing to prevent the appellants from further expanding the property using permitted development rights should they wish and then implementing the proposal. Whilst I note that the appellant has also indicated a willingness to enter into a Unilateral Undertaking on this matter, I have no such executed document before me. In these circumstances, I give limited weight to the fallback position.
11. My attention has also been drawn to the planning history at the neighbouring property, No 2 Stoke Cottages. Planning permission was granted here on appeal² in December 1998 for what would appear to be a two storey side extension. This appeal decision was made before the introduction of the Framework and prior to the adoption of the development plan although I acknowledge that the plan had reached an advanced stage. From the information presented, it would appear that the decision related to an enforcement matter at the property and whether the permission granted had been implemented correctly. The proposal resulted in an increase of some 78% above the size of the original dwelling house, dropping to 69% with the rear single storey extension to be demolished. These figures are considerably below the figures before me in relation to this appeal. Taking into account all of the above factors, the similarities I can draw between the two cases is limited. As such, I give this matter limited weight. In any event, as concluded by the previous Inspector, each proposal must be considered on its own merits.
12. I note that the appellant contends the permitted development schemes would result in a larger family home with ample storage and outbuildings. These considerations are acknowledged and may, in the circumstances of this case, be apportioned a modest portion of weight.
13. The appellant contends that the proposal would mean that the property would match the neighbouring dwelling. This matter constitutes a reason for concluding the development would not cause harm to the character and appearance of the Green Belt. Whilst this maybe the case, it does not represent a benefit to weigh in favour of the development proposed.
14. I note the Council have raised concerns that appeal proposal could be a potential precursor for further applications of this type which would have a cumulative impact on the openness of the Green Belt. As I have already set out above, each case must be decided on its own merits and based on the evidence presented.

Conclusion

15. The proposed development would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition there would be a loss of openness as a result of the appeal proposal.
16. I have taken the above matters into account and have considered all the issues put forward in support of the proposal. However, I do not find that there are

² APP/N0410/G/98/651031

any issues either collectively or individually which would clearly outweigh the harm that would be caused to the Green Belt by reason of inappropriateness and loss of openness. Consequently, no very special circumstances exist to justify allowing the development.

17. For these reasons, I conclude the appeal should be dismissed.

C Masters

INSPECTOR