

Appeal Decision

Site visit made on 29 November 2016

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 19th December 2016

Appeal Ref: APP/K0425/D/16/3160562

K Sera, Bryants Bottom Road, Bryants Bottom, HP16 0JU

- 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 Karl Williams against the decision of Wycombe District Council.
 - The application Ref 16/06514/FUL was refused by notice dated 5 September 2016.
 - The development proposed is described as rear and side single storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension at K Sera, Bryants Bottom Road, Bryants Bottom, HP16 0JU in accordance with the terms of the application, Ref 16/06514/FUL, dated 30 May 2016, subject to the following condition:
 - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no development falling within Class A of Part 1 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

Procedural matters

2. The description of development was amended by the Council at the application stage to refer to '*single storey rear extension (retrospective)*'. However, it is not necessary to use the term retrospective as this is superfluous and I have therefore used '*single storey rear extension*' in my decision.

Main issue

3. The appeal site is within the Green Belt and so the main issue is:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework).

Reasons

4. The appeal property is an extended brick built house in the Green Belt. The proposed single storey rear extension had been substantially completed at the time of the site visit.

Whether inappropriate development?

5. The Framework establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves the extension of a
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- building. This is provided that it does not result in disproportionate additions over and above the size of the original building.
6. Policy CS9 of the Wycombe Development Framework Core Strategy 2008 (CS) and Policies GB2 and GB6 of the Wycombe District Local Plan to 2001 (as Saved and Extended 2007) set out Green Belt policy. Policy CS9 of the CS and Policy GB2 set out the boundaries of the Green Belt and a broad development criteria within the Green Belt. Policy GB6 deals with extensions to dwellings in the Green Belt ensuring that they are not a disproportionate addition over and above the size of the original dwelling; setting out that proportionate additions should be limited to no more than 50% of the floorspace of the original dwelling.
 7. Paragraph 89 of the Framework allows the extension or alteration of a building within the Green Belt provided that it does not result in disproportionate additions over and above the size of the original dwelling.
 8. Annex 2 of the Framework defines the original building as, a building as it existed on 1 July 1948 or, if constructed after 1948, as it was built originally. As such the dwelling constructed under the provisions of planning permission reference WR/293/55 is considered to be the original dwelling for the purposes of this appeal. Notwithstanding this, there is dispute between the parties with regard to whether the first floor of the building should be included within the floor space calculations. However, based on all of the available evidence it is highly likely that the first floor of the dwelling was an integral part of the original building construction and therefore should be considered as part of the overall floorspace calculation. In reaching this conclusion I have carefully considered the Council's representations, including their detailed explanation with regard to why their assessment differs from that in 2014.
 9. In this regard the Council included the first floor area when they granted planning permission Ref. 14/06099/FUL and concluded that it had a floor area of approximately 51m², however, there is no substantive evidence that demonstrates how this figure was calculated. Consequently, I am persuaded that the area of the first floor should for the purposes of this site specific calculation be approximately 101m², as this correlates with the original ground floor footprint. Having reached this conclusion the overall floor space for the original dwelling would be approximately 205m².
 10. The proposed extension would add an approximate 28m² to the total floor area of the dwelling. This would result in a cumulative floor space of 252m² when earlier extensions are taken into account. Therefore the proposed rear extension would be consistent with the Council's 50% threshold. Moreover, given the location and size of the rear extension it would not have the effect of materially reducing the openness of the Green Belt. Consequently, when comparing the original dwelling to the one that would result if the proposal were to go ahead, the outcome would not be disproportionate. It would therefore not be inappropriate development which is, by definition, harmful to the Green Belt.
 11. In reaching this conclusion I have taken account of the suggested fall-back position relating to the ability to exercise permitted development rights within the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and conclude that the effect of the proposed rear extension would not be materially different to what could be

constructed under Class A of Part 1 of Schedule 2 and as such represents a reasonable alternative to the proposal that should be afforded a degree of weight.

Conditions and Conclusion

12. The extension is complete however the condition suggested by the Council has been considered in light of the advice contained within the National Planning Practice Guidance and the National Planning Policy Framework. In this case, it is necessary for permitted development rights relating to extensions to be removed to enable the Local Planning Authority to assess any future development with regard to ensuring the protection of the character and appearance of the area.
13. For the above reasons and having regard to all other matters I conclude that the appeal should be allowed.

Jameson Bridgwater

INSPECTOR