

Appeal Decision

Site visit made on 13 December 2016

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 30 December 2016

Appeal Ref: APP/K0425/W/16/3158434
38 Primrose Hill, Widmer End, HP15 6NU

- 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 & Mrs S Hume against the decision of Wycombe District Council.
 - The application Ref 16/05742/FUL, dated 8 March 2016, was refused by notice dated 29 June 2016.
 - The development proposed is the replacement of the dwelling permitted under 15/07967/FUL.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of the dwelling permitted under 15/07967/FUL at 38 Primrose Hill, Widmer End, HP15 6NU in accordance with the terms of the application, Ref 16/05742/FUL, dated 8 March 2016, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:
 - Whether the proposed dwelling would be inappropriate development in the Green Belt, and;
 - The effect of the proposed dwelling on the character and appearance of the surrounding area.

Reasons

Whether Inappropriate Development

3. The appeal site comprises a detached chalet style property which is located in the Green Belt. It occupies a large 'L' shaped plot which extends to the rear of 38 Primrose Hill and the adjacent properties Vinmar and Magnolia.
 4. Towards the rear of the site there is a detached outbuilding. This has recently been granted permission to be converted into a two bedroom independent dwelling (ref 15/07967/FUL) but has not yet been implemented. The proposal before me seeks a replacement dwelling to that allowed under the above permission.
 5. The Government attaches great importance to Green Belts, the fundamental aim being to prevent urban sprawl by keeping land permanently open. The
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National Planning Policy Framework (the Framework) establishes that new buildings within the Green Belt are inappropriate. However, there are exceptions to this, which include the replacement of a building. In order to be 'not inappropriate' a replacement building must be for the same use as the building it will replace and not materially larger.

6. Policies GB2 of the Wycombe District Local Plan to 2011 (LP) and CS9 of the Wycombe Development Framework Adopted Core Strategy (2008) (CS) similarly seek to protect the Green Belt's character and openness but, like the Framework, Policy GB5 allows for the replacement of dwellings.
7. The existing outbuilding is not currently in residential use therefore Policy GB5 does not strictly apply. Similarly the Framework only allows replacement buildings in the same use as that which they replace, which is not the case here. Decision taking must be made in accordance with the development plan, unless material considerations indicate otherwise.
8. The appellant has demonstrated a clear intention to create an independent residential dwelling on the site and extant permission 15/07967/FUL allows for this. I therefore consider it is highly likely that this development would take place if permission was withheld. In which case the above policies would come into play. This is a significant material consideration to which I attribute great weight as a 'fallback' position. I therefore consider, in this case, it is appropriate to assess the proposal against the 'fallback' position.
9. As noted above the Framework specifies that a replacement building must not be materially larger than the one it replaces. Policy GB5 defines 'materially larger' as being greater in size than the gross floor space of the original dwelling plus either 50% or 120m², whichever is the smaller. I consider this to be a reasonable approach. The appellant states that the replacement dwelling meets the requirements of this policy and the Council do not dispute this. From the evidence before me I am satisfied that the replacement dwelling would not be materially larger. Consequently the proposal would not be inappropriate development within the Green Belt.

Character and Appearance

10. The development on the north-east side of the road is more spacious and spread out than on the south-west. Properties on this side of the road mainly front onto Primrose Hill but there are also examples of dwellings set further back. For example there are two adjacent bungalows to the north of the appeal site which would sit behind the proposed dwelling.
11. The replacement building would have the appearance of a modest single storey dwelling and, in light of my findings above, would not be materially larger than the building it replaces. It would be set back behind properties fronting the road in, what the Council describe as a 'backland siting'. However, it would not appear isolated or out of character given the pattern of surrounding development. It would also occupy a comparable size of plot to its neighbours so it would not have an unduly built up or urban appearance.
12. For these reasons the replacement building would not cause harm to the character and appearance of the surrounding area. Therefore I find no conflict with Policies G3 or G10 of the LP, or CS19 of the CS, which, broadly speaking, seek to ensure new development is compatible with its surroundings.

Other Matters

13. In that the replacement building would be larger than that which it would replace it would reduce openness. However, this is implicitly taken into account in consideration as to whether the replacement building would be materially larger. As outlined above, it would not be, therefore, it would not materially detract from the openness of the Green Belt.
14. The Council comment that Policies C7 and C8 of the LP apply. I have not been provided with copies of these but according to the Council they relate to the re-use and adaptation of existing buildings in the Green Belt, which is not what is before me. I have therefore concluded against the policies I consider most relevant to this appeal.
15. The Parish Council refer to the site being within an Area of Outstanding Natural Beauty but, on the evidence before me, the site does not fall within any such designation.

Conditions

16. I have attached the standard time limit condition and included a plans condition for the avoidance of doubt and in the interests of proper planning. To ensure a satisfactory appearance I have also included a condition requiring the submission of materials but it is not necessary for this to be pre-commencement. In the interest of highway safety I have included conditions ensuring the altered access is created in accordance with the approved drawings, that the existing access is stopped up, and that the visibility splays are provided and kept free of obstruction.
17. The Council have suggested a condition in relation to water efficiency and refer to a BREEAM rating. However, from 1 October 2015 the government's policy is that decision takers should only require compliance with the optional new national technical standards. I have therefore amended this condition accordingly to refer to the nearest equivalent new national technical standard which is the new Building Regulations Optional Requirements.
18. I have included a condition relating to the ground level of the development in the interest of character and appearance. However, I have removed the phrase 'unless otherwise first agreed in writing by the local planning authority' as this could allow a significant change to the development or circumvent the statutory processes for seeking to vary conditions thus depriving third parties of the opportunity to comment. I have not been made aware of any exceptional circumstances to justify the removal of permitted development rights.

Conclusion

19. For the reasons set out above the proposal would not be inappropriate development in the Green Belt. Nor would it be harmful to the character and appearance of the surrounding area. Therefore, having had regard to all matters raised, and subject to the above conditions, the appeal is allowed.

Hayley Butcher

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 approved plans: 14 2360-1B, 14.2360-4.
- 3) Before any above ground development hereby permitted is commenced a schedule and/or samples of the materials and finishes for the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The dwelling shall not be occupied until the altered access shown on approved drawing ref 14 2360-1B has constructed in accordance with Buckinghamshire County Council's guide note "Private Vehicular Access Within Highway Limits" 2013. The access shall be retained thereafter.
- 5) Within one month of the altered access being brought into use the existing access point not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb and re-instating the footway and highway boundary to the same line, level and detail as the adjoining footway and highway boundary.
- 6) The dwelling shall not be occupied until the visibility splays shown on approved drawing ref 14 2360-1B have been provided and the areas contained within the splays shall be kept free of any obstruction exceeding 0.6m in height above the nearside channel level of the carriageway.
- 7) The dwelling shall not be occupied until the Building Regulations Optional Requirement in relation to water efficiency has been complied with.
- 8) There shall be no building-up or increase of the existing ground levels on the site.