
Appeal Decision

Site visit made on 16 January 2017

by Veronica Bond LLB (Hons), Solicitor (non-practising)

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

Decision date: 7 February 2017

Appeal Ref: APP/X0415/D/16/3158752

The Larches, 45 Hazlemere Road, Penn, Buckinghamshire HP10 8AF

- 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 and Mrs C Holtzkampf against the decision of Chiltern District Council.
 - The application Ref CH/2016/0629/FA, dated 4 April 2016, was refused by notice dated 30 June 2016.
 - The development proposed is two storey side and rear extension. New front porch. Alterations to existing windows and doors on front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side and rear extension, new front porch and alterations to existing windows and doors on front elevation at 45 Hazlemere Road, Penn, Buckinghamshire HP10 8AF in accordance with the terms of the application, Reference CH/2016/0629/FA, dated 4 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2015-03-30 01 and 2015-03-30 02 Rev D.
 - 3) The exterior of the development hereby permitted shall only be constructed in the materials specified on the plans hereby approved or in materials which shall previously have been approved in writing by the Local Planning Authority.
 - 4) Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Class A of Part 1 of Schedule 2 to the said Order shall be erected or constructed within the application site unless planning permission is first granted by the Local Planning Authority.

Main Issues

The main issues are sequential, being:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies.

- The effect on the openness of the Green Belt.
- Whether the proposal would conserve and enhance the special landscape character, heritage and distinctiveness of the area bearing in mind its location within the Chilterns Area of Outstanding Natural Beauty (AONB).
- Would harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

2. The National Planning Policy Framework (the Framework) sets out (at paragraph 79) that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework also stipulates that local planning authorities should give substantial weight to any harm to the Green Belt in considering planning applications.
3. The Framework outlines (at paragraph 89) that the extension or alteration of a building is not inappropriate in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. The Framework defines 'original building' as 'a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally' but does not explain how disproportionate additions should be calculated.
4. Saved Policy GB2 of the Chiltern District Local Plan Written Statement (adopted 1 September 1997 – including alterations adopted 29 May 2001 – consolidated September 2007 and November 2011) (LP) sets out a presumption against inappropriate development in the Green Belt. Categories of development which are not inappropriate are listed including the limited extension, alteration or replacement of existing dwellings in accordance with Policies GB6, GB7, GB12, GB13 and GB15.
5. Saved Policy GB13 states that, in the Green Belt outside of areas relating to Policies GB4 and GB5, the Council will permit extensions to dwellings which are subordinate to the size and scale of the original dwelling, are not intrusive in the landscape, and comply with Policies H13 to H17 inclusive and the other policies in the LP. This Policy goes on to state that where there are one or more existing extensions, the cumulative effect will be taken into account in accordance with the above criteria. The 'original property' for these purposes is defined as per the Framework definition.
6. The appeal property is a detached dwelling of a traditional appearance, which has been extended to the side in the past, with a detached garage/outbuilding close alongside. The property is on a large plot and is well screened by trees. It is accessed by a long drive from the main road.
7. The proposal would entail the demolition of the existing garage/outbuilding, with a wrap-around extension being constructed partly over the footprint of the existing outbuilding. The extension would be predominantly glazed to its rear and side elevations. It would though be of a fairly large size relative to the original building, being of two storey construction and having a reasonably large footprint. In this way, it would not be subordinate in size and scale to the

original house and would represent a disproportionate addition over and above the size of the original property.

8. The appeal proposal would therefore amount to inappropriate development in the Green Belt, conflicting with the requirements of Policies GB2 and GB13 of the LP, which seek to control development in the Green Belt. The proposal would, for the same reasons, fail to accord with the Framework in this way.

Openness

9. Although the proposal would introduce a relatively sizeable extension onto the site, this would replace an existing outbuilding which itself is of a fairly large size and height, bearing in mind that it is of single storey construction. The outbuilding is detached from the main house but positioned very close to it and thus its separation has no materially beneficial effect as regards openness, as compared to the proposed adjoining extension. The extension proposed though would be predominantly glazed and thus, taking into account the removal of the outbuilding, the proposal would have a moderately positive effect on openness.

Character and appearance

10. The appeal property is located within the Chilterns AONB and the site is well screened from public views by trees and greenery. It is located within a primarily residential area, sitting behind some fairly substantial housing of varying designs.
11. The proposed extension would not replicate the roof form of the existing dwelling at the rear but would emulate this as regards the front elevation. Indeed, in views of the front elevation, the extension would not add significant width to the property, taking into consideration the demolition of the outbuilding. The extension would feature large areas of glazing which would also be distinct from the more modest sized fenestration currently in place. However, the glazing would significantly reduce the appearance of massing and this, together with traditional materials proposed, would assist in identifying the extension as a sympathetically designed later addition.
12. Given the position of the appeal property being well screened and set far back from the main road, the extension would not be perceptible in main views from the public domain and thus neither the roof design nor glazing would draw the eye in this way. The Chilterns Building Design Guide (February 2010) indicates that buildings should have a greater proportion of wall to window. However, given that the front elevation of the extended property would conform to this guidance, and the extremely limited public views, I do not find any harm attributable to this.
13. I find therefore that the proposal would conserve and would, to a modest degree, enhance the special landscape character, heritage and distinctiveness of the area bearing in mind its location within the Chilterns AONB. There would be no conflict in this way with Policies GC1 and LSQ1 of the LP and Policies CS20 and CS22 of the Local Development Framework Core Strategy for Chiltern District (adopted November 2011). These seek, amongst other things, development of a high standard of design which respects the character and appearance of the area, and that new development conserves and enhances

the special landscape character, heritage and distinctiveness of the Chilterns AONB.

Other considerations

14. As outlined above, the proposal would entail the demolition of an existing large garage/outbuilding on site. The property also, I understand, has the benefit of a Certificate of Lawful Existing Use or Development (CLEUD) allowing for the construction of a very large single storey rear extension of some 4 metres by 12 metres in size, which would extend across almost the full width of the rear of the house. The effort gone to in seeking a CLEUD in respect of this rear extension is indicative of the intention to construct this extension, were the appeal proposal found unacceptable. It therefore carries significant weight as a fallback position.
15. I acknowledge that the CLEUD was not granted based upon the planning merits of allowing such an extension but this does not alter the fact that this currently exists as a fallback position. I have considered that the CLEUD permitted extension would be to the rear of the property and of a smaller size, but given the extensive glazing featured in the appeal extension, I do not consider that this means it would have a more beneficial impact on openness as compared to the appeal proposal.
16. Drawing all of the above together, the extension proposed would be of a predominantly glazed design, replacing a large existing outbuilding which is of a more substantial form of construction. The appeal proposal would modestly enhance the natural beauty of the area through its sympathetic design. The appellants have a CLEUD permitted fallback position allowing a large rear extension, which also could well be of a more solid form including greater expanses of wall than the appeal proposal extension. This fallback extension would not be constructed were the appeal proposal allowed. I find that these considerations together offer significant weight in favour of the proposal.

Conclusion

17. The proposed development would be inappropriate development in the Green Belt and the Framework makes it clear that substantial weight should be accorded to any harm to the Green Belt. I have had regard to the matters cited by the appellant in support of the proposal and find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development. For these reasons, I conclude that the appeal should succeed.
18. I have imposed the standard time limit condition and specified approved plans in the interests of certainty. I have required materials to be as specified or approved in the interests of conserving the scenic beauty of the AONB. Permitted development rights in respect of extensions are, exceptionally, restricted given the sensitive Green Belt and AONB context and bearing in mind that the appeal proposal is acceptable based upon the CLEUD permitted development not being taken forward.

Veronica Bond
INSPECTOR