
Appeal Decision

Site visit made on 14 March 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 28 March 2017

Appeal Ref: APP/N0410/D/17/3168685

Land at St Mary's Cottage, 50 Britwell Road, Burnham SL1 8DE

- 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 Jon Gant against the decision of South Bucks District Council.
 - The application Ref 16/01980/FUL, dated 23 October 2016, was refused by notice dated 21 December 2016.
 - The development proposed is detached outbuilding.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development on the decision notice and appeal form is different to that set out on the planning application form. As it was unclear to me whether this had been agreed, I asked the main parties for their views. Both main parties have confirmed that the development description as amended was agreed. Accordingly I use this description in the banner heading above.

Main Issues

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

Reasons

Whether inappropriate development

4. The National Planning Policy Framework (the Framework) indicates that except for a small number of exceptions set out under paragraphs 89 and 90,
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development within the Green Belt should be regarded as inappropriate. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

5. Paragraph 89 of the Framework refers to the construction of new buildings within the Green Belt. This includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling. I note that this list of exceptions does not specifically refer to outbuildings. Even so, case law confirms that an outbuilding is capable of being regarded as an extension in this regard. However, in this instance, whilst I acknowledge that the building would be used for ancillary purposes to the use of the host dwelling, I find that due to its proposed size, siting to the front of the appeal site and the clear degree of separation from the house, it would not constitute an extension to the property.
6. I recognise that the South Bucks District Local Plan (1999) was published prior to the Framework and that Policies GB1 and GB10 are not entirely consistent with its approach to development in the Green Belt. Policy GB1 advises, amongst other things, that limited extensions will be permitted in accordance with Policy GB10. Policy GB10 states, amongst other things, that ancillary buildings within residential curtilages should be of a small scale. Consequently, taking the above factors into account, and in accordance with paragraph 215 of the Framework I attach more weight within my decision to Green Belt national policy and determine the appeal in accordance with the Framework in this regard.
7. Having determined that the building would not be an extension to the dwelling I conclude that the proposal would be inappropriate development in the Green Belt. This would, by definition, be harmful to the Green Belt and should not be approved except in very special circumstances. I regard this harm as substantial.

Openness of the Green Belt

8. Openness is a key attribute of the Green Belt. The appeal property lies within a large plot with the majority of the boundary with Britwell Road and the adjacent lane, screened by a mixture of brick wall and timber fencing. Whilst this restricts some views into the appeal site from the street, the proposal due to its overall size, scale and location would nevertheless be visibly prominent above the boundary treatments. In spatial terms the development would result in the encroachment of additional built form into an undeveloped part of the garden. This would add to the overall bulk of development present within the site. Overall I consider this would result in moderate harm to openness.

Character and appearance including the effect on protected trees

9. The appeal property is a large detached house which lies within a large plot that extends for some distance along Britwell Road to the west. Trees are present within the appeal site including a group of Scots Pine within the vicinity of the appeal proposal location which are protected by Tree Preservation Order No 37 2002.
10. This part of Britwell Road is characterised by the presence of trees and mature vegetation along the road and within gardens of surrounding properties. Other

dwelling within the locality are located on plots of varied sizes, some of which are substantial. On my site visit I saw that a large and prominent area of grass verge is located opposite the appeal site, bordered to the north by a screen of mature vegetation. Some buildings further along Britwell Road to the north east are close to the road.

11. The proposed outbuilding would be erected immediately adjacent to the front boundary and access gates and would extend for some distance along the boundary with the adjacent lane.
12. LP Policy H13 sets out criteria for the erection of ancillary buildings within residential curtilages. This includes, amongst other things development that will not adversely affect the character or amenities of the landscape, nearby properties or the locality in general. Furthermore the supporting text specifically states that buildings in front gardens will need to be located sensitively and be of a scale and design which is appropriate to and not incongruous or obtrusive in the street scene.
13. LP Policy EP3 seeks development where its scale, layout, siting, height, design, external materials and use are compatible with the character and amenities of the site itself, adjoining development and the locality in general. I am also mindful that the Framework places great importance on development being of good design and responding to local character to ensure the integration of new development into the existing environment.
14. LP Policy EP4 seeks development that includes the retention of existing planting and landscape features. LP Policy L10 refers to works to trees subject to a Tree Preservation Order.
15. I acknowledge that the outbuilding would be smaller in scale compared to the host dwelling, and it would be constructed from natural and reclaimed materials which would be sympathetic to the locality. Whilst I also note that it would be partially screened from views by existing trees and the appeal site's boundary treatment, it would still be visible from the public realm above this. Due to its siting to the front of the appeal site, its proximity to the public highway and its overall scale and height in this location I consider the building would appear as a visually prominent and intrusive addition within the street scene. This would be exacerbated by its rather awkward shape and distance from the host dwelling.
16. I recognise that the Appellant proposes to replicate the styles of other wooden buildings highlighted on Britwell Road. Whilst no specific details of these developments have been submitted to me, those that I saw on my site visit were of different scales and shapes and on variable sized plots. I therefore do not consider that the contexts are the same and they are therefore not directly comparable to the appeal proposal. In any case other development within the area would not set a precedent as each case must be considered on its own individual merits.
17. I now turn to the matter of the trees. The group of Scots Pine trees within the vicinity of the proposed outbuilding are attractive mature specimens and make positive contributions to the visual character and appearance of the area. I note that the Appellant states that the proposal would have no detrimental effect on the trees, but no evidence to substantiate this statement is provided.

18. The plans as submitted do not plot the positions of these trees or the root protection zones in relation to the siting of the proposed development. I therefore cannot be certain that the construction of the outbuilding would not have a detrimental impact on these trees. The imposition of a condition requiring the submission of a construction methodology to protect the trees, would not be appropriate in this instance, due to the lack of clarity on the siting of the development in relation to the trees. Therefore, as I have no evidence to the contrary, I conclude that the development would harm the visual amenity and long term health of the trees.
19. Consequently taking all the above factors into account I conclude that the proposal would result in material harm to the character and appearance of the surrounding area. This would conflict with LP Policies H13, EP3, EP4 and L10 and would not be in accordance with the Framework.

Other considerations

20. I have taken account of the benefits of the proposal highlighted by the Appellant. This includes the need to provide the building for the storage of one car and ancillary garden and garage equipment. However, I can only give these personal benefits little weight, since it would be likely that the new development would be in place long after the personal circumstances have ceased to apply.
21. I accept that the proposal would have no detrimental effect on the living conditions of neighbouring residents, highway safety or parking and note that that the Council does not object on these grounds. Based on the evidence before me I have no reason to disagree. Nevertheless the lack of any material harm on these matters would only result in a neutral effect that neither weighs in support of or against the scheme.
22. One of the Council's reasons for refusal suggests that the grant of planning permission for this proposal could compromise future decisions affecting the character of the area and the aims and objectives of the Green Belt by setting an undesirable precedent. Whilst each application and appeal must be treated on its individual merits, I can appreciate the concern that approval of this scheme could be used in support of the development of other plots.
23. However, notwithstanding this, the circumstances of the appeal before me are very specific. Furthermore as stated above, my findings in this appeal must be based only on the planning merits of the case that is before me. The circumstances of other sites are likely to be different and if proposals came forward elsewhere within the locality they would be assessed in the light of the factors relevant to that case. Therefore I consider the concern about precedent does not offer a basis for resisting the scheme.
24. There are two listed buildings at No 52 and No 54 Britwell Road, located to the north east of the appeal site. The Council's Conservation and Design Officer is satisfied that the proposed outbuilding would not affect the setting of these listed buildings. I have no reason, based on the evidence before me, to disagree with this view.

Planning Balance

25. I have found that the development is inappropriate and reduces the openness of the Green Belt moderately. In accordance with paragraph 88 of the

Framework this is harmful to the Green Belt and carries substantial weight. I have also found material harm on character and appearance which has significant weight. In terms of other considerations, even taken together these have little weight.

26. I therefore conclude that the harm by reason of inappropriateness, the effect on openness and the harm to character and appearance, would not be clearly outweighed and therefore very special circumstances do not exist to justify inappropriate development in the Green Belt. The development is therefore contrary to the Framework and the development plan when considered as a whole.

Conclusion

27. For the reasons given above I conclude that the appeal should be dismissed.

Y. Wright

INSPECTOR