

Appeal Decision

Site visit made on 4 July 2017

by J A B Gresty MA MRICS

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

Decision date: 17 July 2017

Appeal Ref: APP/N0410/D/17/3174794

The Birches, Cherry Tree Lane, Fulmer SL3 6JE

- 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 Paul Caraco against the decision of South Bucks District Council.
 - The application Ref 17/00360/FUL, dated 28 February 2017, was refused by notice dated 28 April 2017.
 - The development proposed is the erection of a detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application drawings show the proposed new garage would be situated close to the side of the existing house. However, during my site inspection it was apparent that a new concrete slab for the garage had been built in a position forward of and further away from the house than indicated in the application. For the sake of clarity, I confirm that I consider this appeal on the basis of the application drawings and not the position of the newly installed concrete floor.

Main Issues

3. The main issues in this case are:
 - Whether the proposal constitutes inappropriate development in the Green Belt,
 - Its effect on the openness of the Green Belt,
 - The effect of the proposed extension on the character and appearance of the area, and
 - If it would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm to the Green Belt, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
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Reasons

Inappropriate Development

4. The appeal property is a detached, two-storey house situated in the Green Belt. The proposal is for a new, detached garage. The National Planning Policy Framework (the Framework) states that a local planning authority should regard construction of new buildings as inappropriate in the Green Belt. This is subject to exceptions listed in the Framework which include extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. In keeping with the Framework, Policy GB1 of the South Bucks District Local Plan (LP) indicates that limited extension of existing dwellings may be permitted in the Green Belt.
5. The appeal property has a substantial outbuilding, constructed in 2003, on the other side of the house which is described by the Council as a garage building and is shown on the application drawings as being a garage. However, at the time of my inspection this building appeared not to be capable of housing vehicles, with no accessible doors into the building for vehicles. Although the use of the existing garage building is unclear, I consider that a garage close to the side of the new house as indicated on the application drawings would be a domestic adjunct to the dwelling and would represent an extension to the dwelling.
6. The original dwelling was built following planning permission reference 15/02145/FUL. The building was then extended following planning permission with a two-storey addition, reference 16/01898/FUL. Although details of the size of the extension have not been provided, the application drawings indicate that it was a substantial addition to the original building.
7. In his appeal representations, the appellant refers to the original dwelling being some 31 square metres smaller in internal floor area than permitted. However, evidence to demonstrate this clearly has not been presented. Further, the Framework defines the original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. If the new building was built smaller than permitted, this would indicate that the subsequent two-storey extension and proposed new garage would add proportionally more to the size of the original building. However, in view of the lack of clarity, I attach very little weight to the appellant's assertion regarding the size of the original building as built in considering whether the proposed development would be inappropriate in the Green Belt.
8. In view of the past extension of the dwelling, I am unable to conclude that the cumulative effect of the past extension and the proposed new garage would not result in disproportionate additions over and above the size of the original building as described by the Framework. Therefore, I conclude that the proposed development would be inappropriate development in the Green Belt as defined by the Framework and it would not accord with the requirements of LP Policies GB1 in this respect.

Openness

9. The Framework confirms that inappropriate development is by definition harmful to the Green Belt. The essential characteristics of Green Belts are their

openness and permanence. As a consequence of the proposed garage's significant size and bulk, the proposed development would inevitably reduce the openness of the Green Belt which would represent harm to one of the Green Belt's essential characteristics.

Character and Appearance

10. This part of Cherry Tree Lane is characterised by substantial detached houses situated in plots with large, leafy gardens. The proposed garage would be open fronted with brick clad side and back walls and a partly tiled roof. Overall the design of the garage would reflect the character and appearance of the appeal property and would be in keeping with the semi-suburban character and appearance of the locality. Also, the garage would be largely hidden from public view by the tall brick wall and gates constructed along the front roadside boundary of the appeal property. In these respects the garage would not be a prominent feature in the local landscape and it would accord with the design requirements of LP Policies GB1 and EP3 and Policy 9 of the South Bucks Core Strategy.

Very Special Circumstances

11. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The Framework indicates that substantial weight should be given to any harm to the Green Belt. The proposed development would be inappropriate and it would result in harm to the openness of the Green Belt. Therefore, whilst the appearance of the garage would be in keeping with the character and appearance of the appeal property and local area, I conclude that evidence has not been presented to demonstrate that very special circumstances exist to clearly outweigh the harm to the Green Belt.

Other Matter

12. The Council's reasons for refusal include that the garage could act as a precedent for other development in the area. However, each application should be considered on its own merits and in this case I consider that this concern would not be reason to dismiss the appeal. Accordingly, I attach limited weight to the Council's concerns in this respect in considering this appeal.

Conclusion

13. On balance and for the above reasons, I conclude that the appeal should be dismissed.

J A B Gresty

INSPECTOR