
Appeal Decision

Site visit made on 18 July 2017

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 17 November 2017

Appeal Ref: APP/K0425/D/17/3175317

14 Wooburn Green Lane, Beaconsfield, Buckinghamshire HP9 1XE

- 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 Fasiel Iqbal against the decision of South Bucks District Council.
 - The application Ref 17/00064/FUL, dated 13 January 2017, was refused by notice dated 20 December 2016.
 - The development proposed is described as a porch with double storey side and part double storey part single storey rear extension.
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This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 29 September 2017.

Decision

1. The appeal is allowed and planning permission is granted for a porch with double storey side and part double storey part single storey rear extension at 14 Wooburn Green Lane, Beaconsfield, Buckinghamshire HP9 1XE in accordance with the terms of the application, Ref 17/00064/FUL, dated 13 January 2017, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

Costs

2. An application for an award of costs has been made by Mr Fasiel Iqbal against South Bucks District Council. This application is the subject of a separate decision.

Procedural matters

3. A local resident commented that the application plans were poorly drawn and confusing. The lack of clear "existing" and "proposed" drawings makes it difficult to readily understand what is proposed, and in this regard I wrote to the parties to seek clarification that the proposal includes a new first floor rear roof extension. This addition was not referred to in the description of the proposal, but the Council has confirmed that it considered this addition as part of the proposal and I have dealt with it on that basis.
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4. The appellant has submitted a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990, which undertakes not to carry out development permitted under a previous permission. I shall refer to this in more detail below.

Main Issues

5. The main issues are:
 - i) whether the proposal represents inappropriate development in the Green Belt,
 - ii) the effect of the proposal on openness, and
 - iii) whether any the harm caused by inappropriateness and any other harm is clearly outweighed by other considerations, so as to constitute very special circumstances to justify the development.

Reasons

Whether the proposal amounts to inappropriate development

6. The appeal site is occupied by a semi-detached two-storey house, located on the southernmost end of a small row of dwellings, with the cutting of the M40 motorway lying to south. The appeal site has an extensive planning history relating to proposals to extend the property, including a number of appeals, all of which have been dismissed.
7. The house has been extended without the benefit of planning permission. An enforcement notice requiring the demolition of the unlawful extension has been issued by the Council, and an appeal decision¹ dated 15 November 2016, upheld the notice, subject to an extension of the period for compliance, granted partly in order to allow the appellant sufficient time to seek permission for a reduced scale of extensions. The current appeal proposal seeks permission to retain some of the extensions, whilst removing others, and adding a new first floor rear extension.
8. The site lies within the Metropolitan Green Belt, where saved Policy GB1 of the South Bucks District Local Plan (LP) provides that planning permission will not be granted for development other than for certain specified categories of development, which includes the limited extension, alteration or replacement of existing dwellings in accordance with Policies GB10 and GB11 of the plan. Policy GB10 says that extensions to existing dwellings in the Green Belt will normally be permitted where a number of criteria are met, the most relevant being criterion (c) which requires that the extension, together with any earlier extensions, would be integral to, and (with the exception of very small dwellings lacking in basic amenities) of a small scale, in relation to the size of the original dwelling. I consider that this is broadly consistent with the National Planning Policy Framework (the Framework) which says that the extension or alteration of a building will not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. I therefore afford the policy the full weight due to a development plan policy.

¹ Ref: APP/N0410/C/16/3151780

9. The explanatory text goes on to say that extensions or alterations which would result in the original dwelling having increased its floorspace by more than half will not be regarded as small scale. I regard this as a useful guideline as to what may be considered to be "small scale", and it is consistent with the Framework, and therefore I afford it significant weight. However, floorspace is not the only means of assessing size, and other matters such as volume, bulk and height are also relevant.
10. In this case, the house has been extended with two storey additions at the, front, side and rear² of the house, together with ground floor extensions at the front and rear, which previous Inspectors have found to be considerably in excess of the 50% guideline figure referred to in the explanatory text to Policy GB10. I see no reason to differ. The demolition now proposed would result in a reduction of about 30 sq.m. of floorspace. The Council says that the resultant dwelling would be of a similar gross floor area to that approved under application 15/02135/FUL. It was explained that the increase in floorspace above the guideline figure was approved on the basis that the proposal differed from extensions that could be carried out by utilising permitted development rights by a negligible amount.
11. However, previous Inspectors have expressed concern about the scale and mass of the extensions, with the 2016 enforcement Inspector finding that the volume of the extension and the overall bulk and mass represent a significant expansion when compared to the original dwelling, finding that the outward scale of the extension dwarfs the modest proportions of the original semi-detached dwelling.
12. In considering whether or not to grant planning permission for part of the development enforced against, the Inspector concluded that it was not appropriate to do so. However, he indicated that it may be that parts of the extension could be retained on broadly the same footprint if there were substantial reductions in the scale and height of various sections, perhaps to a single storey.
13. In this case, it is proposed to remove the first floor and roof components of the front extension, adapting it to tie it into the front porch extension. It is also proposed to remove the first floor and roof components of the rearmost part of the side/rear extension. This would have the effect of reducing the bulk at the front and the south-west corner of the dwelling, slightly offset by the addition on the rear of a gabled first floor extension.
14. The removal of the first floor parts at the front and rear of the house would reduce the bulk of the wide gabled rear extension, part of which is currently visible from where Wooburn Green Lane bridges the M40. It would also reduce the prominence of the front/side extension at first floor level, which is also visible from the road. Whilst the roof of the re-modelled rear extension would have an uncharacteristically steep pitch, and a rather awkward gabled addition, these would not be prominent features and would not be in public view.
15. Despite the number and extent of changes proposed, I nevertheless find that the proposal, particularly in respect of the two storey elements at the rear of the house, would still be of a size which could not be considered as small scale

² Including a room in the loft space.

in relation to the original dwelling, and that it amounts to inappropriate development in the Green Belt, in conflict with Policy GB10 and the Framework.

Openness

16. The Framework says that the essential characteristics of Green Belts are their openness and their permanence. The cumulative impact of the proposed extensions would result in a more bulky building than the original house, but in the context of a line of dwellings, and with much of the rear elevation hidden from public view by the original house, I consider that the proposal would have only a small impact on openness, which would cause only very limited harm to the Green Belt.

Other considerations

17. I have also taken into account that the unilateral undertaking offered by the appellant would prevent the implementation of further extensions permitted under the previous approval Ref: 15/02135/FUL. I have not been provided with full details of that permission, but I note that it includes the erection of a rear dormer, which in itself would have an effect on the bulkiness of the dwelling. The obligation also offers to forgo the right to carry out any other enlargements of the dwelling or the erection of any outbuildings which might be constructed under permitted development rights without the grant of express planning permission. Taken as a whole, the obligation prevents further enlargements which might otherwise have taken place, and would protect the openness of the Green Belt against further built development. I therefore consider that the obligation is necessary and otherwise meets the tests set out in the Community Infrastructure Levy Regulations 2010 and those of the Framework.
18. The appellant has also drawn comparisons between his proposal and the approved extension of the adjoining semi-detached house at 13 Wooburn Green Lane. The plan provided to me by the appellant shows a rear roof extension to No 13 which I noted on my visit has not been implemented, but as the front extension has been carried out, I am mindful that the remainder of the permitted scheme could be implemented at any time. No 13 has been extended to the side at first and second floor levels, and to the front and rear at ground floor levels, with a large rear roof extension being yet to be implemented. Although No 13 has no rear two storey extension, the rear roof extension is bulky, and I consider that the proposal would not be markedly different from the cumulative impact of the additions approved at No 13.
19. It is important that like cases are determined in a like manner. Although the enlargements at No 13 are not identical in scale or nature to those proposed for No 14, there are sufficient similarities for the planning history of No 13 to act as a material consideration, which attracts significant weight.
20. The Framework says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

21. Taken in the round, although the matter is finely balanced, I consider that the planning history of the appeal site and that of the adjoining house at 13 Wooburn Green Lane, together with the obligation to forego future enlargements and outbuildings under a previous planning permission and permitted development rights, are, in combination, of sufficient weight to clearly outweigh the harm through inappropriateness and the limited harm to openness. I therefore find the very special circumstances to justify the development exist in this case.

Conditions

22. The Council has suggested a number of conditions which I have considered in the light of national guidance. A condition to require the development to be carried out in accordance with the approved plans is needed to ensure certainty. Matching materials are required in the interests of appearance.
23. The Council has also suggested a condition to remove permitted development rights, but as this is addressed as part of the planning obligation, it is unnecessary to impose it.

Conclusion

24. For the reasons given above, I conclude that the appeal should be allowed.

JP Roberts

INSPECTOR