
Appeal Decision

Site visit made on 12 April 2016

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 18 April 2016

Appeal Ref: APP/N0410/D/16/3141719

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 Buckinghamshire District Council.
 - The application Ref 15/01399/FUL, dated 9 July 2015, was refused by notice dated 16 October 2015.
 - The development is described as '*double storey rear and side extension*'.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Mr Faisel Iqbal against South Buckinghamshire District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The submitted drawings have hand written notes indicating elements of the building which are stated to be demolished. I saw at my site inspection that these elements appear to have been erected. I am unsure as to whether they have planning permission or not. For the avoidance of doubt, I have restricted my considerations to the two storey rear and side extension indicated on the application form.

Main Issues

4. The appeal site falls within an area of Green Belt. Accordingly, the main issues are:
 - Whether the proposed development is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policies and the potential effect on the openness of the Green Belt and the purposes it serves, and;
 - the overall balance, and, if the proposal is inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances needed to justify it.

Reasons

Whether inappropriate development

5. The Government attaches great importance to Green Belts. Paragraph 87 of the National Planning Policy Framework (the Framework) indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 89 and 90 of the Framework indicate limited exceptions to inappropriate development. These are broadly reflected in Policies GB1 and GB10 of the South Bucks District Local Plan 1999 (SBLP). Put simply, both local and national policy regard the extension or alteration of a building, provided that it does not in disproportionate additions over and above the size of the original building, are exceptions to inappropriate development. Given this position, I consider the development plan policies in this case are broadly consistent with the Framework, in accordance with Paragraph 215 of the Framework, and should be afforded due weight.
6. The development has seen a significant increase in both the footprint and bulk of the building, with new elements at ground floor, first floor and roof levels. The combination of this extension is a large and bulky addition which, through its overall form, represents disproportionate addition over and above the size of the original building. This is reflected within the officer's report, which indicates that the scheme sought would still result in an extension of greater than a 50% increase in the gross external floor area over and above the original dwelling, as sought by development plan policy GB10. The appellant points to the fact that the scheme has been reduced from a floor area of 104sqm to result in a floor area of between 86.5sqm and 99sqm. I have not been provided with detailed plans showing the 'existing' dwelling. This means that it is not possible for me to undertake an objective appraisal of the difference in the mathematical totals suggested. Nonetheless, the proposal, through principally its height and footprint, results in disproportionate extension over and above what appears to have been the size of the original building.
7. The extension also results in the loss of openness of the Green Belt, both in terms of footprint and also in terms of the height of the extension; albeit this is limited by the location of the dwelling adjacent to the M40 motorway and nearby mature planting. Nonetheless, the extension adds considerable bulk to the property that would erode the openness of the Green Belt.
8. The development does not therefore fall within an exception listed under paragraphs 89 or 90 of the Framework. As such it is inappropriate development as defined by the Framework. Moreover, the proposal would result in the loss of openness; an essential characteristic of the Green Belt set out in Paragraph 79. Accordingly, the proposal would be contrary to Policies GB1 and GB10 of the SBLP, and those of the Framework aforesaid, which, amongst those aims stated above, seek to preserve the openness of the Green Belt.

Other considerations

9. In accordance with Paragraph 88 of the Framework, I attach substantial weight to the Green Belt, through the fact that the development is inappropriate development and through the harm to openness. The appellant has indicated a

number of factors which could amount to a case of 'Very Special Circumstances'. I have considered these below.

10. The Council's officer report considers an application reference 15/01307/GPDE for a 6 metre deep single storey rear extension. The officer's report identifies that if this is considered with other permitted development extensions, the total floor space created would be 99sqm above the original dwelling. The scheme here, in the Council's view amounts to 98sqm. The report comes to the conclusion that the current scheme would not therefore result in any greater harm than extensions that could have been constructed under permitted development rights. However, that scheme is different to that in this case and there is no reason for me to believe that there is a good prospect that any such permitted development scheme would be implemented. Furthermore, the appeal scheme would be harmful for the reasons I have identified above. As such, this factor can only be afforded little weight.
11. The appellant points to the procedural errors by the local planning authority, Town and County Councils' and internal politics. They also state that the decision notice was issued after the statutory deadline. I have dealt with the application for costs separately in terms of the reasonableness or otherwise of the local planning authority. In terms of the planning decision, the manner in which an application is handled does not and should alter the planning decision which is made on the basis of the planning merits. This factor affords no weight in favour of the scheme.

Other Matter

12. I have considered the Council's concern in terms of the appeal proposal being a potential precursor to other applications of this type which may have a cumulative impact on the Green Belt. The appellant also points to the fact that a number of options were submitted to the local planning authority to reduce the design of the building and these were rejected. However, each application must be considered on its own merits, as I have done here.

Conclusion

13. Paragraph 88 of the Framework requires decision-makers to ensure that substantial weight is given to any harm to the Green Belt. Other considerations weighing in favour of the development must clearly outweigh this harm. In this case, only minimal benefits have been cited by the appellant. Whilst I acknowledge all other considerations put forward by the appellant, Paragraph 88 makes clear that all development in the Green Belt is subject to stringent national planning policy tests, which I have applied.
14. In light of this, I conclude that those considerations put forward which weigh in favour of the proposal fail to clearly outweigh the substantial harm that I have identified. The very special circumstances needed to justify the proposal do not therefore arise and the proposal conflicts with Policies GB1 and GB10 of the SBLP, and the Framework, the aims of which I have aforesaid.
15. For the reasons given above, and having taken into account all matters raised, I conclude that the appeal should be dismissed.

Cullum J A Parker INSPECTOR