



Appeal Decision

Site visit made on 2 July 2019

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th July 2019

Appeal Ref: APP/X0415/D/19/3224876

55 Tylers Hill Road, Chesham, Buckinghamshire HP5 1XJ

- 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 Michelle and Evan Hamilton-Pike against the decision of Chiltern District Council.
 - The application Ref PL/18/3625/FA, dated 2 October 2018, was refused by notice dated 24 December 2018.
 - The development proposed is a two-storey side, single storey front and single storey rear extension following demolition of existing utility room.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: -
 - Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework);
 - The effect of the proposal on the openness of the Green Belt;
 - The effect on the character and appearance of the existing property; and
 - If the proposal 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 which would be necessary to justify it.

Reasons

Whether Inappropriate Development

3. The Government attaches great importance to Green Belts. Saved Policy GB2 of the Chiltern District Local Plan (Local Plan) indicates that planning permission will be refused for inappropriate development in the Green Belt. Policy GB13 of the Local Plan allows for extensions in the Green Belt where the proposal is subordinate to the size and scale of the original dwellings, taking into account the cumulative effect of previous extensions. These policies broadly accord with Framework paragraph 145 c) which allows for the

extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

4. The proposed extensions would materially add to the floor area and volume of the existing dwelling. It is agreed between the main parties that the proposed extensions would collectively result in disproportionate additions over and above the size of the original building. I concur with that assessment. Consequently, the proposal would be inappropriate development that is, by definition, harmful to the Green Belt, and in conflict with Framework paragraph 145 c) and Local Plan policies GB2 and GB13 which aim to safeguard the Green Belt by restricting the scale of development and keeping land open.

Openness

5. An essential characteristic of Green Belts is their openness. The proposed extensions would introduce additional built form to all three sides of the property extending into the garden which is currently free from development. Whilst the extensions can be accommodated within the plot, and due to the property's location at the end of a terrace the visual impact would be limited, the development would nevertheless give rise to some loss of openness. Accordingly, it adds to the harm to the Green Belt.

Character and Appearance

6. The property forms the end terrace in a row of properties located at a right angle to the road behind 45 Tylers Hill Road. These are modest properties with pedestrian access between the properties and the outbuildings. The existing building has a straightforward two storey form and the outbuilding aligns with others in the row. Individually the proposed extensions reflect guidance in the Residential Extensions and Householder Development Supplementary Planning Guidance (SPD) in terms of proportions and form, however collectively they would engulf the property with significant new additions to the detriment of the character and appearance of the host property. I acknowledge that the planning permission granted by the Council¹ (the extant permission) remains extant and is for a similar scale of development, but the development under that scheme is restricted to the side elevation and therefore the impact on the character of the existing property is different.
7. I therefore conclude that the scale and form of the development would not reflect and respect the character of the existing property. The proposal would be contrary to Policy CS20 of the Core Strategy for Chiltern District and the SPD which jointly, among other things, seek a high standard of design and for extensions to integrate in way that does not adversely affect the character and appearance of the property.

Other Considerations

8. Very special circumstances can only exist if the harm I have identified is clearly outweighed by other considerations.
9. The appellant has put forward a number of factors in support of the proposal. The extant permission would create the same amount of volume and footprint as the appeal scheme, although as noted above the two schemes differ in terms of their form and relationship with the existing property.

¹ LPA reference CH/2018/0453/FA

10. The appellant refers to the appeal scheme as an amendment to the extant permission. However, the appeal scheme is for a separate planning permission and was described on the application form as an amendment to PL/18/2401/FA, which is a withdrawn scheme.
11. Whilst the appellant indicates that the single storey side extension from the extant permission would not be built, and that the appeal scheme is to be built instead there is no means for this to be controlled. The implementation of an existing planning permission cannot be prevented by a condition. The "revocation" of a planning permission can only be carried out by the Local Planning Authority or the Secretary of State by a process under sections 97 and 100 of the Town and Country Planning Act 1990. Alternatively, it can be dealt with by way of a binding obligation by the appellant. In the absence of such an obligation in this case, no weight is attached to the non-implementation of the extant planning permission.
12. Therefore, if this appeal was to be allowed the property would benefit from both planning permissions. Whilst the two-storey side extension is the same in both schemes it would mean that, even though the existing outbuilding would be demolished, all the single storey elements could also be implemented which would result in further disproportionate additions to the property, exacerbating the harm to the Green Belt and its impact on the openness of the Green Belt.
13. I note the Local Planning Authority's concern that another outbuilding could be erected, but this could be controlled by the imposition of a condition removing permitted development rights for outbuildings.
14. The Council have raised no concerns with the general design indicating that the extension would integrate with the vernacular of the host building nor would it adversely impact on the neighbours, highway safety or parking provisions. I have no reason to disagree with the Council's assessment, however, the absence of harm in these matters is a neutral factor.

Conclusion

15. In this appeal I have found harm to the Green Belt by way of inappropriateness and openness, and other harm in terms of the impact on the character of the host property. By definition these are harmful, and I attach them substantial weight as required by paragraph 144 of the Framework.
16. Despite having regard to all the other considerations put before me in favour of the scheme by the appellant, I conclude that these other considerations taken together, do not clearly outweigh the harm that I have identified to the Green Belt. The development would conflict with policies GB2 and GB13 of the Local Plan and the Framework. Accordingly, the very special circumstances necessary to justify the proposal do not exist and the proposal does not represent sustainable development.
17. For the reason set out above I conclude that the appeal should be dismissed.

G Ellis

INSPECTOR