



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: 7th August 2019

Appeal Ref: APP/K0425/D/19/3225021

West Vale, Bryants Bottom Road, Bryants Bottom HP16 0JR

- 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 and Mrs O'Malley against the decision of Wycombe District Council.
 - The application Ref18/07862/FUL, dated 1 November 2018, was refused by notice dated 4 January 2019.
 - The development proposed is the erection of a single storey rear extension with two rooflights.
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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 of the development on the living conditions of the occupiers of Under Ridge, by virtue of loss of light and overbearing impact; 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.

Preliminary Matters

3. Amended plans were submitted by the appellant to the Council during the application process (plan references 04A, 05A and 06A), however, the application was determined on the plans originally submitted. The amended plans have now been submitted as part of the appeal and the Council has been given the opportunity to comment. Given the limited changes to the scheme, which reduces the scale of the development by increasing the off-set from the boundary, I do not see any prejudice by accepting these amendments and I have determined the appeal on the basis of the amended plans.

4. Policies DM36 and DM43 of the emerging new Wycombe District Local Plan (Submission Version) March 2018 are referred to in the reasons for refusal. Although some information on the preparation of the plan was detailed in the officer report, I am unaware of the exact stage of examination, or if there are any unresolved objections to the policies cited. Therefore, having regard to paragraph 48 of the National Planning Policy Framework (the Framework), these policies can only be given limited weight and I have based my decision upon the adopted development plan policies.

Reasons

Whether Inappropriate Development

5. The Government attaches great importance to Green Belts. Paragraph 145 of the Framework states that all new buildings are to be regarded as inappropriate development unless they are for one of a small number of exceptions. These include 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. Saved policy GB6 of Wycombe District Local Plan to 2011 (Local Plan) indicates that extensions will not be permitted where the gross floor area of the original dwelling will be increased by more than 50%. The policy does allow for some exceptions to this limit, including in ribbon developments where the resultant dwelling would otherwise be relatively small compared to others in the frontage. However, in this case the existing dwelling is already of a similar size to its neighbours and therefore this criterion is not applicable.
6. The proposed extension would materially add to both the floorspace and volume of the property which together with previous extensions would result in an increase of over 95%, based on the Council's figures, compared to the original dwelling. The appellant has not disputed these figures. The cumulative effect of the extensions would amount to disproportionate additions over and above the size of the original building.
7. Consequently, the additions would represent inappropriate development in the Green Belt. This would be, by definition, harmful to the Green Belt, and in conflict with the Framework and Local Plan policies GB2 and GB6 together with Core Strategy¹ policy CS9 which aims to safeguard the Green Belt from inappropriate development.

Openness

8. An essential characteristic of Green Belts is their openness. The extension would introduce additional built form extending into the garden currently free from development. Whilst the extension can be accommodated within the plot, and there are no public views of the rear of the property it would nevertheless give rise to some loss of openness. Accordingly, it adds, to a limited extent, to the harm to the Green Belt.

Neighbours – Living conditions

9. The extension would be slightly off set from the boundary with Under Ridge, and, infill the area up to the existing extension. The shared boundary is currently formed of a hedgerow which would be partially removed close to the

¹ Wycombe Development Framework Adopted Core Strategy, Development Plan Document - July 2008

building to accommodate the development. The extension is designed with a hipped roof with the full ridge height some distance into the site. The side wall of the extension would not be much taller than the existing boundary hedge, and as shown on the plans the extension would not breach the 60-degree angle of view from the neighbour's window as set out in the extension guidance at Appendix 4 of the Local Plan. As such, I do not find the wall of the extension would have an overbearing effect or result in significant loss of light. Thus, I find no conflict with saved policies H17 and G8 which amongst other things seek to protect the residential amenity of neighbouring properties from adverse effects.

Other Considerations

10. The proposal is for a modest infill extension and would not project further than the existing extension. The Council have raised no concerns with the design and the general form of the extension. Having viewed the appeal site from a number of locations, as requested by the appellant, I have no reason to disagree with the Council's assessment that the proposal would respect the character and appearance of the area which forms part of an Area of Outstanding Natural Beauty. However, an absence of harm in this regard is a neutral factor.
11. On my site visit I did observe extensions and outbuildings to other properties in the row. However, I do not have details of these additions or any evidence that development has been permitted in excess of the terms of policy GB6. The appellant has also referred to the appeal decision which allowed the rear extension in 1984² and I accept that the Inspector found the visual impact of an extension to the rear was limited. Nevertheless, the Inspector allowed the scheme which was in excess of the 50% floorspace allowance on the special circumstances of that case which incorporated a garage replacement. As such, the circumstances are not directly comparable, and this proposal would further add to the scale of development compared to the original building. Furthermore, each proposal must be considered on its own merits.

Conclusion

12. In this appeal I have found the extension would not be harmful to the occupiers living conditions at Under Ridge, however there would be harm to the Green Belt by way of inappropriateness and by loss of openness. By definition, these effects are harmful, and I attach to them substantial weight as required by paragraph 144 of the Framework.
13. Despite having regard to all the other considerations put before me in favour of the scheme by the appellant, I conclude that these taken together, do not clearly outweigh the harm that I have identified to the Green Belt. The development would conflict with policies GB2 and GB6 of the Local Plan, policy CS9 of the Core Strategy and the Framework. Accordingly, the very special circumstances necessary to justify the proposal do not exist and the proposal does not represent sustainable development. For the reason set out above I conclude that the appeal should be dismissed.

G Ellis

² T/App/K0425/A/93/232471/P2

INSPECTOR