



Appeal Decision

Site visit made on 30 September 2019 by G Sibley MPLAN MRTPI

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2019

Appeal Ref: APP/K0425/D/19/3232950

15 Green Lane, Radnage, Buckinghamshire, England HP14 4DJ

- 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 Edward McGill against the decision of Wycombe District Council.
 - The application Ref: 19/05955/FUL, dated 4 April 2019, was refused by notice dated 20 June 2019.
 - The development proposed is described on the application form as *side and rear extension plus front porch. Hip to gable roof conversion. Insertion of dormer windows. New door to kitchen/utility.*
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for Costs

3. An application for costs was made by the appellant against the Council. This application is attached as a separate Decision below.

Procedural Matters

4. Following the determination of the planning application Wycombe District Council adopted the Wycombe District Local Plan (LP) on the 19 August. The Council have identified the policies most relevant to the determination of the appeal and the appellants have been given an opportunity to comment on the policies in the adopted LP. The Council have identified that policies GB5 and GB6 have been replaced by policy DM42 and DM43 which are the most pertinent to the determination of the appeal.

Main Issues

5. These are: 1) Whether or not the proposal would be inappropriate development in the Green Belt; 2) The effect on the openness of the Green Belt; 3) The effect of the proposed development on the character and appearance of the dwelling and the street scene and linked to that, the effect of the development upon The Chilterns Area of Outstanding Natural Beauty (AONB); and 4) If the proposal amounts to inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation - *Inappropriate development*

6. The National Planning Policy Framework (The Framework) states that inappropriate development is harmful to the Green Belt and should not be permitted except in very special circumstances. Paragraph 145 indicates that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions. The proposed development is for an extension to an existing building. The proposed development would fall within sub-section (c) of The Framework. Sub-section (c) states extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building would not be inappropriate development.
7. Policy DM43 of the LP permits extensions to dwellings in the Green Belt where it would accord with one or more of a number of conditions. I have not been made aware that there is a Neighbourhood Plan for Radnage or that Radnage is a built-up village shown on the policies map. Therefore, the proposal would not meet these two criteria.
8. There are two criteria which development in the open countryside, in the Green Belt, could be considered against. These are, that the extension should not increase the volume of the original building by more than 50% and where the dwelling is set within ribbon development, the resultant dwelling would not exceed the average volume of its two directly adjacent neighbours.
9. The Council identify that the original building is as it existed on 1 July 1948, or if the first building was constructed later than this, the first building constructed. The Council has identified that the proposed extension would, combined with the existing extensions, increase in volume of the dwelling by around 76% and consequently the proposal would exceed this criterion.
10. The dwelling is within ribbon development along Green Lane and the existing building does appear to be smaller than the two dwellings either side of it. Nevertheless, neither party has provided the average volume for the two dwellings either side of the site and consequently the average volume assessment is based on a visual assessment of the site and adjacent dwellings.
11. No.17 is a two-storey dwelling that has a gable roof which is taller than the roof for No.15. On the rear elevation of the dwelling a large dormer window has been constructed across the full width of the roof and this increases the bulk of the dwelling. A conservatory has been constructed to the rear and there is a small front projection alongside two small dormer windows on the front elevation. This dwelling is noticeably larger than No.15.
12. No.13 is a bungalow that has a hipped roof on one side and a gable roof on the other side, where it appears that the roof has been extended over the garage, which has increased the width of the building. There are no dormer windows on the front elevation and skylights have been installed on the rear of the roof, which has limited the effect of converting the roof on the appearance of the dwelling. Therefore, the dwelling does appear slightly larger than the No.15.
13. The proposal would extend the dwelling out to almost the full width of the plot and consequently the width of the building would be similar, if not larger, than the two neighbouring properties. The dormer windows proposed within the roof would add additional bulkiness to the roof and it would appear larger and bulkier than the roof for No.13. The dormer windows on the rear of the roof would occupy a large proportion of the roof and consequently would dominate the roofline. The two dormer windows on

the front of the dwelling are considerably larger than the dormer windows on front elevation of No.17 and the proposed dormer windows would add a considerable amount of additional volume to the dwelling. The 1.5 storey rear extension would follow the design of the two dwellings either side which also have rear extensions.

14. The volume created on the ground floor of the dwelling would be similar to the two dwellings either side and the volume created by the increased roof space would be greater than No.13 and would be very similar to No.17. Consequently, based on the information I have available, the proposed extension would result in a dwelling that would have a greater volume than the average volume of the two dwellings either side of it. With that in mind, the proposed development would be contrary to Policy DM43 and would result in disproportionate additions to the original building and would therefore constitute inappropriate development in the Green Belt.

Openness

15. The dwelling is located within ribbon development and is set back behind a generous front garden and driveway, which is common in the street scene. The dwelling is single storey with a narrow-hipped roof. The proposal includes a hip to gable roof extension, and this would extend over where the garage is currently located. This would increase the overall size of the roof, although it would not be any taller. The proposal also includes a 1.5 storey rear extension and a smaller front extension.
16. Whilst the roof of the dwelling would not be taller, the hip to gable roof extension and the extension over the single storey garage increases the scale and bulk of the roof considerably. With dormer windows proposed on both the front and rear of the dwelling the roofscape would change significantly and the roof would appear bulkier and would be visually more dominant in the street scene. Therefore, the proposed development would harm the visual aspect of the Green Belt.
17. The existing dwelling has both front and rear extensions and a small garage to the side and consequently the amount of new built form would only encompass a relatively small amount of unbuilt land. Nonetheless, this is land within the Green Belt and the development would have a greater impact on the spatial aspect of the Green Belt. This would represent encroachment into the countryside and conflicts with one of the purposes of designating land in the Green Belt. Thus, the proposed development would have a greater impact on the openness of the Green Belt and would be contrary to paragraph 145 subsection (c) of The Framework.

AONB

18. The existing building is an attractive bungalow set within generous landscaped gardens. The existing roofline is uncluttered which contributes to the attractiveness of the dwelling. The neighbouring dwellings are similar in scale, although there are larger dwellings within the street scene. The design and appearance of the dwellings varies along the street with no defined character for the street scene. Nonetheless, the character of the street scene is open and rural. Most dwellings within the street scene are single storey or one-and-a-half storey dwellings with dormer windows or skylights. The existing dwelling does not have dormer windows or skylights and is one of a few dwellings within the street that does not have them.
19. The design of the dormer windows on the front of the dwelling are not uncommon in the street scene although they would accommodate a large proportion of the roof and would consequently dominate the appearance of the roof. They would extend almost the full depth of the roof and would create a visually bulkier roof than the existing

dwelling. The dormer windows to the rear would encompass most of the roof and again would be almost the full depth of the roof. The flat roofed dormer windows would be unattractive and combined with the hip to roof extension would significantly change the appearance of the host dwelling. No.17 has similarly designed dormer windows on the rear of the roof and this harms from the appearance of that dwelling and their use next door does not justify their use here. It is acknowledged that the box dormer windows would be located to the rear of the dwelling, nevertheless they would still be visible within the street scene, as is the case with the dormer windows on the rear of no.17.

20. The Chilterns Buildings Design Guide Supplementary Planning Document (SPD) notes that dormer windows should be kept low on the roof and should be small and designed to let in light rather than to create additional space in an attic room. The proposed dormer windows would be larger than necessary to let light into the attic space and appear to have been proposed to create additional living space. Therefore, the design and size of the dormer windows would be contrary to the guidance set out in the SPD.
21. The large areas of glazing to the front of the dwelling would appear overly large for a dwelling of this size and would be an uncommon feature in the street scene and the host dwelling. The dwellings in the street typically have smaller windows common with dwellings of this size and age. The large area of glazing to the rear would add an uncommon feature and would harm the appearance of the existing dwelling. Nevertheless, it would be located to the rear of the dwelling and thus its effect on the character and appearance of the dwelling and the street scene would be limited.
22. The materials proposed as part of the scheme would be similar to those used in the construction of the host dwelling, but the design of the dwelling would harm the appearance of the host dwelling and the street scene. The dwelling would reduce the openness of the AONB and this would lead to harm to the scenic beauty of the landscape. Because of the small-scale nature of the development, the harm would be localised. Nevertheless, the proposed development would fail to conserve the natural beauty of the AONB.
23. Due to the size of the dormer windows and other modern features, the proposed development would harm the character and appearance of the host dwelling, the street scene and would fail to conserve the natural beauty of the AONB. Therefore, it would be contrary to policy DM30, DM35 and DM36 of the LP and the guidance in the SPD.

Other considerations

24. The proposed development would remove the existing garage and older extensions which harm the appearance of the host dwelling and the street scene. The benefits derived from this would be counterbalanced by the larger extensions that would replace the existing extensions.
25. The appellant has referred to an appeal which was allowed for an extension to a dwelling within the Green Belt in Wycombe District. The appellant has not provided the appeal decision, nor the plans associated with the case. Therefore, I cannot conclude on whether the Council has adopted the same approach in the determination of both cases. Regardless, each case must be assessed on their own merits.

Conclusion and Recommendation

26. The proposed development would cause harm to the Green Belt by reason of inappropriateness to which substantial weight is given. Additional weight is given to

harm to openness and the conflict with the purposes of designating land within the Green Belt, which is a serious planning objection. Further, significant weight is given to the potential visual harm caused to the character and appearance on the character and appearance of the dwelling and the street scene and AONB. There is therefore conflict with policy DM35, DM36 and DM43 of the LP and The Framework. On the other side, the proposed development would remove the existing garage and older extensions, which harm the appearance of the host dwelling. I attach limited weight to this.

27. The advanced considerations in support of the appeal, whether taken individually or cumulatively, do not, on balance, clearly outweigh the conflict with planning policies designed to protect the Green Belt. The very special circumstances necessary to justify the development do not exist.
28. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

29. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree and conclude that the appeal should be dismissed.

A U Ghafoor

INSPECTOR

Costs Decision

Site visit made on 30 September 2019 by G Sibley MPLAN MRTPI

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2019

Cost application in relation to Appeal Ref: APP/K0425/D/19/3232950 15 Green Lane, Radnage, Buckinghamshire, England HP14 4DJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, Section 250(5).
 - The application is made by Mr Edward McGill for the full award of costs against Wycombe District Council.
 - The appeal was made against the refusal of planning permission for the side and rear extension plus front porch, hip to gable roof conversion, and insertion of dormer windows, and new door to kitchen/utility.
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Decision

1. The application for the award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Awards against the respondent may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.
3. The following key points form the basis of this application¹. The respondent ignored documents provided, made false statements, and made no proper site visit, and ignored requests to look at other houses in the row to gain an appreciation of the area's context.
4. In reply to a question as to whether or not costs can be claimed for the period during the determination of the planning application, the PPG advises that all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
5. Whilst there is some confusion as to the respondent's handling of the planning application, the evidence indicates that the merits of the proposed development were assessed in the light of local and national planning policy. The respondent accepts that it erred in the assessment of the proposed height of the dwelling. Nevertheless, the reasons for refusing planning permission were clearly set out on the face of the decision notice.
6. The reasons for refusing planning permission explained the relevant policy constraints given the site's location within the Green Belt and The Chilterns Area of Outstanding Natural Beauty. Planning policies were cited, and further comments were invited once

¹ Initial application for costs and rebuttal.

the respondent adopted the Wycombe District Local Plan. Whilst the applicant has concerns about the handling of the application and site visit by planning officers, vague, generalised or inaccurate assertions about the proposal's impact were not made in the reasons for refusal or in the planning officer's report. There is nothing before me to indicate the respondent refused planning permission for development that should have been permitted. On the contrary, my appeal decision explains the reasons as to why I have found favour with the respondent's planning assessment. There is nothing to suggest that the respondent misapplied local and national planning policy when assessing the merits of the appeal scheme.

7. The respondent states that the case officer wrote the report and a senior officer reviewed the recommendation. The report was subsequently revised. The applicant finds that process unacceptable. However, the procedure applied is not unusual in practice given that a local planning authority operate a scheme of delegation. There is nothing before me to indicate that this procedure resulted in an unjustified refusal of planning permission. The applicant exercised a right of appeal against that decision and an appeal could not have been avoided, due to the planning considerations arising in this case. At appeal stage the respondent submitted on time sufficient evidence to substantiate its reasons for refusing the application.
8. The applicant was disappointed with the respondent's handling of the application, procedures and subsequent outcome. However, on the available evidence, I find that the alleged unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated on procedural or substantive grounds. A full or partial award of costs is therefore unjustified.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and the Appeal Planning Officer's costs report above, and, on that basis, I too agree and conclude the applicant has failed to demonstrate unreasonable behaviour resulting in unnecessary expense as described in the PPG. The application is therefore refused.

A U Ghafoor

INSPECTOR