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## Appeal Decision

Site visit made on 3 December 2019

**by M Russell BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3 February 2020**

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**Appeal Ref: APP/K0425/D/19/3232510**

**52 Green Lane, Radnage HP14 4DN**

- 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 & Mrs Coles against the decision of Wycombe District Council.
  - The application Ref 19/05433/FUL, dated 21 February 2019, was refused by notice dated 18 April 2019.
  - The development proposed is single storey side and rear extension, alterations to the roof to provide first floor accommodation.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The plans for the appeal proposals include amongst other things a single storey extension and a detached store building. I noted on my site visit that these elements of the proposal were substantively already in situ, albeit the single storey extension had a flat roof and the elevations of the store building differed to those on the submitted drawings. However, the evidence before me indicates that there is an existing planning permission for extensions and a store building and a certificate of lawfulness for a single storey rear extension. Therefore, whether or not these aspects of the scheme are applied for retrospectively has not had a bearing on my assessment of the appeal proposal.
3. Following submission of the appeal, the Council adopted the Wycombe District Local Plan (August 2019) (the LP). This replaces the policies in the Wycombe District Local Plan to 2011 (the now replaced LP) and the Core Strategy 2008 that were referred to in the Council's decision notice. I must assess the proposal against the development plan now in place, and as a recently adopted document I attach full weight to the LP and its policies. The appellant has been contacted drawing their attention to the adoption of the LP and I have taken their subsequent comments into consideration.

### Main Issues

4. The main issues are:
  - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
  - (ii) The effect on the openness of the Green Belt.

(iii) If the proposal would be inappropriate, 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 necessary to justify the development.

## **Reasons**

### *Whether or not inappropriate in the Green Belt*

5. The site is located within the Chilterns Area of Outstanding Natural Beauty (AONB) and the Green Belt. The proposals include raising the maximum ridge height of the dwelling to allow for accommodation to be provided within the roofspace. The footprint of the dwelling would also be increased.
6. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt other than in a number of exceptions. One exception is 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.
7. Policy DM43 (The replacement or extension of dwellings in the Green Belt (including outbuildings)) of the LP states amongst other things that the extension of a dwelling will only be considered appropriate development in the Green Belt when it satisfies one (or more) specified conditions. These conditions include amongst others:
  - when a dwelling is within a ribbon of development that presents a substantially built up frontage and the resultant dwelling would not exceed the average volume of its two directly adjacent neighbours; and
  - where the volume of the original dwelling is between 240 and 720 cubic metres (m<sup>3</sup>), the total volume of the resulting building is no more than the volume of the original building plus 50%.
8. The Council has calculated that the original dwelling had a volume of 296 m<sup>3</sup>. The volume of the proposed extensions has been calculated at 163 m<sup>3</sup>. This would represent a 55% increase in volume over the original dwelling, therefore exceeding the 50% threshold in Policy DM43. It is also notable that the Council's calculation excludes the volume created by the single storey extension which has been erected following the granting of a lawful development certificate. Policy DM43 does not differentiate between extensions erected following planning permission or those erected under permitted rights. As an extension above the original floorspace of the dwelling, this volume should legitimately be included in the volume calculations when considering the proposal against Policy DM43. This means that the cumulative increase over the volume of the original dwelling would be even greater than the 55% calculated by the Council.
9. The appellant contends that the original floor area of the neighbouring dwelling at No 54 Green Lane was larger than that of the appeal dwelling and draws my attention to the outbuildings at this neighbouring property. Conversely, the evidence provided indicates the original floor area of No 54 was 78.48 sqm (m<sup>2</sup>) whereas the Council's officer report indicates the original floor area of the appeal dwelling was less than this at 73m<sup>2</sup>. In any case, from what I observed on site, a visual comparison of the dwellings indicates that the proposals would result in a dwelling with a greater average volume than its two directly

adjacent neighbours. Furthermore, Policy DM43 specifically states that the volume of existing outbuildings will not be included in any calculations. On this basis, nor should the outbuildings at No 54 act as justification for the increase in volume proposed at No 52. These factors further indicate that the proposal would not meet the conditions under Policy DM43. I have no substantive evidence before me which might lead me to conclude the proposal complies with the conditions of Policy DM43 listed above nor any of the other conditions under this policy.

10. To conclude, the proposal would result in disproportionate additions to the dwelling and the development would be inappropriate when considered against Policy DM43 of the LP and the requirements of the Framework.

*The effect on the openness of the Green Belt*

11. Paragraph 133 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. It has been held in the High Court that openness is epitomised by the lack of buildings or development.
12. Green Lane consists of ribbon development with a mixture of bungalows and two-storey dwellings. The section of Green Lane where the appeal site is located is predominantly bungalows including the directly adjacent neighbouring dwellings as Nos 50 and 54 Green Lane. Allotments are situated on the opposite side of Green Lane.
13. The proposals would increase the height of the bungalow and its footprint. The extent that the extensions would project past the existing parameters of the dwelling and the incorporation of first-floor space within the raised roof means that the spatial impact would be relatively contained. The development would be perceptible from the street, particularly the provision of first floor accommodation, due to the upper floor windows to the front elevation. However, given the position of the dwelling within a ribbon of residential development, the visual impact of the development is unlikely to be highly discernible within the wider landscape. Overall there would be a modest effect on the openness of the Green Belt.

*Other considerations*

14. The information before me indicates that previously permitted extensions at No 52 would result in more than a 50% increase in volume over the original volume of the dwelling. However, those extensions were granted prior to the adoption of the LP. A comparison between what could already be implemented and the proposals before me indicates that there would be no perceivable difference when viewed from the street. To the rear of the site the increase in depth to the extended roof, would increase the volume of the roof over that which has been previously granted and this would be appreciable from neighbouring properties. The additional volume would be hardly perceptible in the wider landscape given the intervening distances, structures and vegetation. Overall, the spatial and visual impact of the proposal when compared with the previously consented development would result in some limited additional harm to the Green Belt. However, given there would be some harm as a result of the further increase in volume beyond that previously permitted, I only attach limited weight to the fallback position.

15. The appellant contends that the dwelling is currently one of the smallest on Green Lane. The conditions under Policy DM43 are specific as to the criteria for considering extensions to dwellings. Accordingly, a comparison with the size of other dwellings beyond the two directly adjacent neighbours does not comply with the approach to considering extensions under this policy.
16. I have not been provided with evidence from the parties as to whether or not the replacement store building shown on the submitted plans would meet the specific requirements in respect of outbuildings set out under Policy DM43. The previous planning permission on the site included a similar outbuilding and the Council's delegated report does not object to this element of the proposal. Given I have already found the extensions to the dwelling would be inappropriate, I have not considered this aspect of the development in any further detail. The differences between the appearance of the building and that previously permitted are a separate matter for the Council to consider.
17. The appellant has drawn my attention to the fact that Policy GB5 of the now replaced LP, referred to in the Council's decision notice, related to replacement dwellings and was not relevant to the proposals. Given this policy has been superseded, it has not been a material consideration in my assessment of the proposals. Likewise, the appellant contends that the gross floor area of the resultant building would be below the 120 square metres stated in Policy GB6 of the now replaced LP. This policy has also been superseded and under Policy DM43 of the LP, floor area is not one of the considerations in assessing whether or not the proposal would be disproportionate.
18. Previous extensions to the dwelling have been demolished. Even so, the evidence before me indicates these resulted in a lesser increase in volume and floorspace over the original dwelling to the extensions proposed under the appeal proposal. My findings that the proposals would result in disproportionate cumulative extensions are therefore unaltered.

### **Green Belt Balance and Conclusion**

19. The development constitutes inappropriate development in the Green Belt to which I attach substantial weight. The Framework states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. I have found that the design of the development means the development would result in some modest harm to the openness of the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This is a high hurdle for a development proposal to overcome. I have found that the other considerations in favour of the proposal would only carry limited weight.
20. In conclusion and on balance, the substantial weight to be given to Green Belt harm, is not clearly outweighed by these other considerations and therefore the very special circumstances needed to justify the proposed development do not exist.
21. For the reasons given the overall conclusion is therefore that the appeal should be dismissed.

*M Russell* INSPECTOR