



Appeal Decision

Site visit made on 20 December 2019

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th February 2020

Appeal Ref: APP/K0425/D/19/3239556

Sunnybank, Church Lane, Great Kimble HP17 9TH

- 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 T Marshall against the decision of Wycombe District Council.
 - The application Ref 19/06334/FUL, dated 17 May 2019, was refused by notice dated 29 July 2019.
 - The development proposed is a two storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and the relevant development plan policies;
 - the effect of the proposal upon the character and appearance of the area;
 - the effect of the proposal upon highway safety; and
 - would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Would the proposal be inappropriate development

3. The proposed development would comprise the erection of a two-storey rear extension to the existing property. The appeal property has been extended over the years and now consists of two distinct elements, the original relatively modest brick and flint stone bungalow, alongside a much larger, two storey, white painted rendered extension.
4. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. The construction of new buildings should be regarded as inappropriate in the Green Belt other than in respect to a limited range of specified exceptions. One such 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. Policy DM43 of the Adopted Local Plan (the Local Plan) sets out the Council's Policy with regards to the extension to dwellings in the Green Belt. For a proposal to be considered not inappropriate development, there are a number of criteria-based tests. A proposal is required to satisfy at least one of these tests to be considered as not inappropriate development.
6. The site is not within a Neighbourhood Plan area nor is it within a built-up village, therefore the key criteria of Policy DM43 against which the proposal needs to be assessed are C and D. When assessed against criteria C, the Policy requires the host dwelling to be within a ribbon of development and to present a substantially built-up frontage, with the resultant dwelling not exceeding the average volume of its two directly adjacent neighbours. Criteria D sets out a maximum volume calculation and identifies that where the volume of the original dwelling is less than 240 cubic metres (as is the case with the appeal site), the total volume of the resulting building should be no more than 360 cubic metres.
7. With regards to Criteria D, it is accepted by both parties that the size of the proposed extension would mean that the resulting building exceeds the Policy threshold. The proposal therefore does not satisfy Criteria D.
8. The appeal property is located within a relatively small village, where there is a mix of house sizes and types. To the east of the appeal property is Box Cottage, which is positioned close to the road and separated from the appeal site by its side garden. To the west, is a dwelling known as The Bures, which is set well back from the road and is not visible within the street scene. The Bures has a large front garden area, which creates a visual gap between the appeal property and the next visible buildings, which are those of Great Kimble Church of England School. As a result, the adjoining pattern of development does not create a continual ribbon of development and therefore the appeal site does not meet Criteria C of Policy DM43.
9. It has not been put to me that the appeal scheme would be not inappropriate development in the Green Belt for any other reason. Therefore, when assessed against relevant sections of the Framework and the adopted policies in the Local Plan, the proposed development would represent inappropriate development within the Green Belt.

Character and appearance

10. The appeal site is surrounded predominately by residential properties, with the exception of the nearby local Primary School. The design and appearance of surrounding buildings is of a high architectural quality with a mix of brick, flint and painted render. Roofs are tiled, with the exception of a nearby row of thatched cottages. The design of the appeal property comprises two distinct elements, the original modest brick and flint bungalow, with a much larger two storey side extension. Views into the rear garden are screened by the existing dwelling and boundary landscaping.
11. The proposed two storey rear extension would infill the space between the rear of the original part of the house and the newer two storey side extension.

Policy DM30 of the Local Plan requires proposals to conserve, and where possible enhance, the natural beauty of the Chilterns AONB and to deliver the highest quality design which respects the natural beauty. Therefore, despite being located to the rear of the property, given the AONB designation, to accord with policy, the design of any proposal must be of the highest quality. Whilst views of the proposal will be restricted by the existing appeal property, the design, due to the various eaves and ridge levels that would be created, does not sit comfortably with the existing dwelling. As a result, the proposed extension creates an addition to the existing property, which detracts from its character and appearance.

12. I have therefore concluded that the proposed development is harmful to the character and appearance of the area and would fail to preserve the natural beauty of the Chilterns AONB and, in this respect, is contrary to Policies DM30 (The Chilterns Area of Outstanding Natural Beauty), DM35 (Placemaking and Design Quality) and DM36 (Extensions and Alterations to Existing Dwellings) of the Local Plan.

Highway issues

13. Church Lane is a rural lane, and, whilst there are some on-street parking restrictions around the Primary School, generally the Lane is unrestricted. The appeal property currently has two off-road parking spaces to serve the existing 3-bedroom house. Policy DM33 (Managing Carbon Emissions Transport and Energy Generation) of the Local Plan, requires amongst other things, that proposals should provide parking sufficient to meet the needs of future occupants and to ensure there is no significant adverse impact from overspill parking.
14. The proposal would involve no change to the existing parking arrangements. It therefore follows that any additional parking demand, as a result of the proposal, would have to be met through on-street parking. Whilst the parking standards would require the provision of 4 parking spaces, I note that these standards pre-date Paragraphs 105 and 106 of the National Planning Policy Framework (The Framework), which require, amongst other things maximum parking standards to be only set where there is clear and compelling justification that they are necessary for managing the local road network. Whilst I note that comments of the Local Highway Authority on the application, there is no evidence before me, at this time, to suggest that the failure to provide further on-site parking provision would result in any significant adverse impact.
15. I have therefore concluded the proposed development would not have an adverse effect upon highway safety and, in this respect, is in accordance with Policy DM33 (Managing Carbon Emissions, Transport and Energy Generation) of the Local Plan and the Buckinghamshire Countywide Parking Guidance (adopted September 2015).

Green belt balance

16. When assessed against the Framework and the relevant development plan policies, the proposal is inappropriate development within the Green Belt and would require very special circumstances to justify the harm caused by inappropriateness. The design of the proposed extension, due to its relationship with the existing form of the building, is not of the highest quality,

therefore causes some harm to the character and appearance of the area. A Lawful Development Certificate (LDC) confirms that a larger extension could be erected to the rear of the appeal property. However, such permitted development rights are largely universal, with the vast majority of properties afforded the right to extend without the need for planning permission, such that the LDC carries only limited weight. Given the national importance to protecting the Green Belt, relative to the modest, largely private benefits that would accrue from the appeal development, and the limited weight carried by the LDC, all of the considerations that weigh in favour of the proposal do not clearly outweigh the identified harm to the Green Belt alone or in combination with the other identified harm, so as to amount to the very special circumstances necessary to justify the development.

17. By reason of the harm caused to the Green Belt, the proposed development is contrary to Policy DM43 (the Replacement or Extension of Dwellings in the Green Belt) of the Local Plan and Chapter 13 of The Framework.

Conclusion

18. I conclude, for the reasons outlined above, that the appeal should be dismissed.

Adrian Hunter

INSPECTOR