
Appeal Decision

Site visit made on 20 January 2020 by Elizabeth Davies BSc (Hons) PIEMA

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th February 2020

Appeal Ref: APP/K0425/D/19/3243780

Thorley, Westfields, Whiteleaf HP27 0LH

- 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 Andrew Giles and Sarah Dyer against the decision of Wycombe District Council.
 - The application Ref 19/06710/FUL, dated 15 July 2019, was refused by notice dated 6 November 2019.
 - The development proposed is a single storey front porch extension, single storey side extension, side facing dormer window and fenestration alterations to existing house.
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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.

Main Issue

3. The main issues in the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF);
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the host dwelling and the Chilterns Area of Outstanding Natural Beauty (AONB); and
 - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether it would be inappropriate development

4. Paragraph 145 of the NPPF states that new buildings are inappropriate in the Green Belt unless they fall within the given list 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.

5. Policy DM43 of the Wycombe District Local Plan (August 2019) (the 'Local Plan') is generally consistent with the NPPF in that it sets limits for the size of appropriate extensions. It says, in part (e) that extensions to dwellings in the Green Belt, where the volume of the original dwelling is between 240 and 720 cubic metres should not total more than the volume of the original building plus 50%. It also states, in part (c), that dwellings in a ribbon development with a substantially built up frontage should not exceed the average volume of its two directly adjacent neighbours.
6. The Council state the volume of the original house was 244 cubic metres and that previous extensions have resulted in the dwelling now measuring 565 cubic metres, which the appellant does not dispute. This is an increase significantly in excess of 50% and hence the proposed extension would exceed this further. The parties also agree that the size of the adjacent houses would not allow for the extensions to benefit under part (c) either, and I have no reason disagree.
7. I conclude therefore that the proposed uplift represents a disproportionate addition over and above the size of the original building contrary to Policy DM43 and therefore the extension would be inappropriate. Inappropriate development is, by definition, harmful to the Green Belt.

Openness

8. The NPPF states that "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". Openness can be determined by visual and spatial aspects.
9. The appeal property is a two storey detached dwelling. The properties along Westfields are all large detached properties, set back from the road with large front gardens and driveways giving the residential road an open and spacious character and appearance. The front garden and driveway of the appeal property are on a gentle incline, with the property elevated above the level of Westfields. The elevated position of the dwelling means that clear views of the proposed front porch extension, side extension and dormer would be available from the road and there would therefore be a visual impact on openness from the additional size and bulk that would be added to the property.
10. In terms of spatial aspects, the proposal would introduce built form into a part of the site which is currently undeveloped and as such would inevitably affect the spatial openness of the site.
11. Overall, therefore, the proposal would have a harmful effect on openness. This harmful impact on openness, and the inappropriateness of the proposal in principle, both carry substantial weight.

Character and Appearance

12. The Council consider that the ground floor elements of the proposal are in keeping with the appeal property and I have no reason to consider otherwise.

With regard to the proposed dormer, whilst this will add additional bulk and mass to the property at first floor, the dormer would be positioned at a lower level than the existing roofline and the modest scale means it would be subordinate in size to the property and its plot. It would not be overly dominant or unbalance the appearance of the dwelling.

13. It was apparent from my site visit that the properties along Westfields feature different styles and designs, including some rendered and some brick dwellings. Properties featuring hanging tiles appeared to be in the minority. I therefore do not consider the proposed fenestration alterations and changes to facing materials would be out of keeping with other properties in the area or the woodland behind the property. On this basis I do not consider the proposal would unacceptably harm the character and appearance of the appeal property and the effect on the Chilterns AONB would be neutral.
14. On this basis the proposal would accord with Local Plan Policy DM30, which seeks, amongst other things to ensure development conserves and enhances the AONB. It would also accord with Local Plan Policies DM35 and DM36 which seek, amongst other things, to ensure development improves the character of an area, respects the character and appearance of the existing property and the surrounding area and is subservient in scale.
15. The proposed dormer would provide an en-suite to the master bedroom and whilst the Chilterns Building Design Guide states that dormer windows should be designed to let in light rather than to create additional space, the proposed dormer in this case sits comfortably within the existing roof design and so would accord with the general aim of the Guide of respecting local context. The Consultation draft Householder Planning and Design Guide (October 2019) also provides advice on dormer windows. Whilst it is still a draft document, it does carry some weight. The proposed dormer does not adhere to all the guidance in this document, however, no harm to the character and appearance of the dwelling or surrounding area would occur and so the general aims of this Guide too would be met.

Other Considerations

16. The NPPF states that inappropriate development should not be approved except in very special circumstances, and that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
17. The Council has issued a lawful development certificate for the demolition of the existing single storey rear extension and the construction of a single storey rear extension and single storey front porch extension (reference 19/05830/CLP). The appellant asserts that the increase in volume of the dwelling would be less as a result of the proposed development compared to if the dwelling was extended in accordance with the terms of the lawful development certificate.
18. Based upon the appellant's comments I agree that there is more than a theoretical prospect that the fall-back option could be constructed. However, the difference in overall volume of development between the proposed

development and the fall-back position is very slight, at less than half a cubic metre, and therefore the benefit of the proposal to the Green Belt compared to the extant scheme would be negligible. Also, the current proposal involves a side facing dormer which, given the elevated position and mass, would result in a greater visual harm to the openness of the Green Belt. On this basis the fall-back position carries very limited weight.

19. The appellant suggests that a condition could be attached to any planning permission to restrict the ability to carry out any part of the proposed development should the works subject to the extant lawful development certificate be implemented. However, this would not prevent the possibility of the lawful development certificate being implemented after the planning permission has been first implemented.
20. They also suggest that permitted development rights could be removed via a condition. However, this would not come into effect until such time as the planning permission was implemented, and until that time the appellant could implement their permitted development rights. As such neither suggestion would be effective in limiting the amount of development on site and protecting the Green Belt.

Planning Balance and Conclusion

21. It is considered the development would cause harm to the Green Belt by way of inappropriateness and to openness. Balanced against that are the other considerations identified above. The lack of harm to the character and appearance of the dwelling and the AONB carried neutral weight. I conclude that the other considerations do not clearly outweigh the harm to the Green Belt and therefore there are no very special circumstances to justify the proposal.
22. Therefore the proposed development would be contrary to the NPPF and Policy DM43 as described above which seek to prevent inappropriate development in the Green Belt.
23. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR