



Appeal Decision

Site visit made on 18 March 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2020

Appeal Ref: APP/N0410/W/19/3244051

3 Stonecrop, Saxon Gardens, Taplow SL6 0DD

- 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 Ms R Grace-Mee against the decision of South Bucks District Council.
 - The application Ref PL/18/4426/FA, dated 22 November 2018, was refused by notice dated 26 July 2019.
 - The development proposed is described as the 'demolition of existing dwelling and erection of replacement detached dwelling with garage'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether the proposed replacement dwelling and garage would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies;
 - ii) The effect on the openness of the Green Belt from the proposed replacement dwelling and garage;
 - iii) The effect of the proposed replacement dwelling and garage on the character and appearance of the area; and
 - iv) Would the 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

Inappropriate development in the Green Belt

3. The appeal site is occupied by a detached two-storey dwelling with a pitched roof form and a single-storey flat-roofed element to the side. The dwelling is sited in its own spacious grounds within the built-up area of the village. However, the village is within the Green Belt and adjacent to the site are designated heritage assets including the Taplow Village Conservation Area and the Grade II listed Hill House.
4. Policy GB1 of the South Bucks District Local Plan, Written Statement, Adopted March 1999, Consolidated September 2007 and February 2011 (LP) sets out

that development within the Green Belt will not be granted planning permission other than for specified exceptions. These include the replacement of existing dwellings in accordance with Policy GB11 of the LP, and limited infilling in existing villages. Policy GB11 sets out a number of criteria which must be complied with for planning permission to be granted.

5. These policies were last consolidated prior to the first publication of the National Planning Policy Framework (The Framework). The Framework directs that policies should be afforded due weight having regard to the degree of consistency with its policies. Whilst there are inconsistencies, the thrust of the LP policies is broadly consistent with the Framework. As such, I afford them moderate weight.
6. The Framework sets out at paragraph 143 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New buildings should be regarded as inappropriate development, unless they meet the exemption criteria at paragraph 145 a) – g). These include the replacement of a building not materially larger than the one it replaces, and limited infilling in villages.
7. The appellant states that the proposal would not be inappropriate development as it would be a limited form of infilling within the village and not materially larger than the existing dwelling, once you allow for potential extensions under permitted development rights. Having regard to the nature of the case, it involves a proposal for a replacement dwelling, rather than a new build within an existing gap. As such, this does not represent a form of limited infilling under paragraph 145 e).
8. Furthermore, the potential for extensions to the building to be replaced is not material in the context of the exemption provided by paragraph 145 d). It is an other consideration. The test is whether the replacement of a building would be materially larger than the one it replaces. The proposed replacement dwelling would result in a significant increase in the built form currently at the site, representing a materially larger building to what it would replace. For example, the proposal would more than double the total floor area increasing the width and eaves height. The appellant has provided no evidence against this test to allow me to reach a contrary conclusion.
9. Therefore, in conclusion on this main issue the proposed replacement dwelling and garage would be inappropriate development in the Green Belt having regard to the Framework and the relevant development plan policies. The proposal would be contrary to 'saved' Policies GB1 and GB11 of the LP and Section 13 of the Framework. These policies seek to protect the Green Belt from inappropriate development.

Openness of the Green Belt

10. The appellant similarly states that the proposal would not have a materially greater impact upon the openness of the Green Belt than the existing dwelling, as it would be after being lawfully extended. However, the existing building has not been extended at this time.
11. The proposal would have a lower overall height than the existing built form at the appeal site. But it would be materially larger, with a greater footprint and would be of an overall scale and mass that would erode the sense of openness

at the site. The proposal to include an additional detached garage would contribute to this. It would bring the built form much closer to the peripheries of the site, substantially increasing the overall width of development, eroding openness.

12. Therefore, in conclusion on this main issue the proposal would harm the openness of the Green Belt. As such, the proposal would be contrary to Section 13 of the Framework. This sets out that the fundamental aim of the Green Belt policy is to keep land permanently open as the essential characteristics of them are their openness and their permanence.

Character and appearance

13. The appeal site has mature boundary planting that means that the existing building is not highly visible or prominent within the public realm. There are glimpsed views on Rectory Road through the access and over the flanking walls. The appellant states that the existing landscaping would be retained. Whilst the proposed siting would make the built form more prominent from the existing vantage points, the effect would be negligible and mitigated by the proposed levels.
14. Nonetheless, views are liable to change, and landscape features should not be considered as permanent features. As such, landscaping should not be used to justify development that would otherwise be unacceptable. Without the landscaping, the proposal would be prominent from public views on Rectory Road and Berry Hill. Furthermore, the site is outside, but adjacent to a designated conservation area and a listed building. It is a sensitive context.
15. The proposal would introduce a highly contemporary form of design into an area that is largely characterised by traditional building forms with pitched roofs, including the adjacent Autumn House. Beyond this property is Cedar Chase. The Cedar Chase properties have a modern architectural form, but even they utilise steeply sloped roofs, albeit mono-pitched. Moreover, the Cedar Chase development forms a separate character area in its own right. The appeal proposal would be seen as a single dwelling within the context of traditional design. As such, in order to be successful in integrating into the context, it is imperative that the detail of the proposal is of a high quality.
16. Whilst the proposal may be smaller than other dwellings in the locality, including the adjacent Autumn House, its angular form would contribute to an appearance of a substantial mass, scale and bulk. This is mitigated to a degree by its limited height, however of itself this would not result in a sympathetic development. Furthermore, the plans show very little variation in depths on the elevations and fenestration reveals. This would have provided necessary relief from the mass and bulk of the building.
17. The appellant's evidence includes some three-dimensional images and additional details at appendix 6 of their appeal statement. However, little detail regarding the palette of materials has been provided. In many circumstances the use of conditions may be appropriate in order to agree materials and finishes. However, given the contemporary design in a traditional context; and the substantial scale, mass and bulk of the built form; such detail is required at this stage in order to make a suitably robust assessment. Based on the evidence available the proposal would appear incongruous in this traditional

context. Insufficient evidence has been submitted to demonstrate that the design would be of sufficient quality to mitigate this.

18. Therefore, in conclusion on this main issue the proposed replacement dwelling and garage would harm the character and appearance of the area. As such, the proposal would be contrary to 'saved' Policies EP3 and H9 of the LP, Core Policy 8 of the South Bucks Local Development Framework, Core Strategy, Development Plan Document, Adopted February 2011; and paragraphs 127 and 130 of the Framework. These policies seek, amongst other aims to achieve high quality design that makes a positive contribution to, and are compatible with, the character of the surrounding area.

Other considerations

19. The appellant states that significant works to the existing building could be lawfully carried out. This would result in a similar amount of development to that being proposed. There is no evidence from the Council to contradict this. The appellant asserts, referring to various planning appeals, that the fall-back is a material consideration to be afforded weight. However, full details of the appeal cases have not been provided and as such, it cannot be determined how comparable they are to the proposal. Nonetheless, a fall-back proposition can form a material consideration. It is a planning judgement as to how much weight this ought to be afforded.
20. Works to the boundary, that effectively re-orientates the site have been carried out. This facilitates the implementation of the appellant's fall-back proposition. However, it would also facilitate a number of alternatives, including the appeal scheme. No works to the building itself have changed its orientation at this time to give any indication that implementation of the fall-back is likely. Whilst the appellant has provided a letter to state that they would carry out these works if the appeal is unsuccessful, this does not secure the appellant's fall-back development in any way. Additionally, little information has been provided to demonstrate that the lawful extensions would achieve accommodation comparable to the proposal such as to meet the appellant's development goals.
21. As such, whilst theoretically possible, there is little evidence to indicate that the appellant's stated fall-back is likely to be realised if the appeal is unsuccessful. Indeed, since the Council refused the proposal subject of this appeal, they have allowed an alternative replacement dwelling scheme at the site. Full details have not been provided in evidence, but it is understood to be smaller than the appeal scheme. This may also form a reasonable fall-back proposition.
22. Nonetheless, based on the evidence before me the appellant's fall-back proposition weighs in favour of the scheme. However, even if the fall-back position would have a greater than theoretical possibility of occurring, the evidence does not indicate that it would be any more harmful than the proposal. The overall amount of development would have a similar impact in terms of harm by reason of inappropriateness and the harm to the openness of the Green Belt. As such, the appellant's fall-back proposition has limited weight.
23. The appellant has also highlighted that the recent development on the adjacent site to create Autumn House has resulted in a materially larger dwelling. They state that a fall-back argument was advanced in that case too and accepted by

the Council. However, full details of the circumstances have not been provided to allow a comparison with the appeal. Therefore, this has limited weight.

24. The appellant suggests that the proposal would result in an enhanced design compared to the potential fall-back proposition. However, as concluded above the proposal would likely harm the character and appearance of the surrounding area. The submitted plans of the appellant's suggested fall-back show a form and scale of development that would satisfactorily assimilate with the existing character and appearance of the area. As such, the evidence does not indicate that the fall-back would be any worse than the proposal in terms of design.
25. Paragraph 144 of the Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Whilst there are other considerations in favour of the proposal, even if taken cumulatively they do not clearly outweigh the identified harm. This includes harm to the Green Belt, which the Framework states should be attributed substantial weight.
26. Therefore, in conclusion on the final main issue the other considerations in this case do not clearly outweigh the identified harm. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

27. For the reasons given above, I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR