
Appeal Decision

Site visit made on 11 February 2020 by Scott Britnell MSc FdA

Decision by Zoe Raygen Dip URPMRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2020

Appeal Ref: APP/N0410/D/19/3240439

Waldeck, 6 Church Grove, Wexham, SL3 6LF

- 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 Navin Walia against the decision of South Bucks District Council.
 - The application Ref PL/19/2059/FA, dated 15 June 2019, was refused by notice dated 12 August 2019.
 - The development is proposed roof extension comprising 2no. dormers, single storey rear extension and front porch to existing single dwelling (bungalow).
-

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 Issues

3. The main issues in this matter are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the Development Plan and the National Planning Policy Framework (the Framework);
 - 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 property and the area;
 - If the proposal would be inappropriate development, 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 it.

Reasons for the Recommendation

4. The appeal site comprises a detached bungalow set within an irregular shaped plot at the head of a cul-de-sac. To the rear is a detached dwelling which benefits from a double garage. The site is located upon a residential road on the edge of a built up area and there is no dispute between the parties that it is

located within the Metropolitan Green Belt. The proposal includes a roof extension incorporating two rear dormers, a porch to the front of the property and a single storey extension to the rear.

Whether inappropriate development

5. Policy GB1 of the South Bucks District Local Plan Written Statement (Adopted 1999) (DLP) describes the type of development for which planning permission within the Green Belt may be granted planning permission. This includes the limited extension, alteration or replacement of existing dwellings, in accordance with Policies GB10 and GB11 of the plan. Policy GB10 states that extensions, which together with all previous extensions, are not of a small scale in relation to the original dwelling will be considered unacceptable in the Green Belt. In this connection, extensions or alterations which would result in the original dwelling having increased its floorspace by more than half will not be regarded as small scale.
6. The Council indicate that the original floorspace of the appeal property was approximately 118 square metres and that previous extensions have increased it to 202 square metres, a 71% increase over and above the original dwelling. These figures have been taken from the Council's report and are not disputed.
7. Thus, the proposal, by increasing the floorspace of the original dwelling beyond the 71% increase already accounted for, conflicts with the approach set out under policy GB10 of the DLP and, as a consequence, policy GB1. However, as the adoption of the DLP pre-dates the Framework, it is necessary to consider the degree of consistency of these policies with the Framework to establish the weight that can be accorded to them, in accordance with paragraph 213.
8. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate. There is, however, a limited number of exceptions, including 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.
9. The term 'disproportionate' is not defined, and so the test in the Framework is not so prescriptive as the 50% limit set out in the DLP. Further, I note that the Council accept that both Policies GB1 and GB10 are not entirely in accordance with the Framework¹. As such, I do not consider that these policies are wholly consistent with the Framework beyond their general aims of protecting the characteristics of the Green Belt, and I accord them little weight. Consequently, I have considered the proposal more generally with reference to its form, bulk and prominence. This approach is consistent with that taken by inspectors in the cases referred to me by the appellant².
10. The proposed front porch would be of a modest size and the proposed single storey rear extension would be contained between two rear projections. In terms of their form, bulk and prominence, these elements would not appear disproportionate to the host building. However, applying the test as

¹ Page 2 of the Council's Delegated Report.

² APP/N0410/D/16/3157751 – Two Gates, Village Road, Dorney, Berkshire, SL4 6QW; and APP/N0410/D/13/2205980 – Mallards, Common Lane, Burnham, Slough, SL1 8PP

determined by the Framework, the proposed porch and rear extension, in conjunction with previous extension works carried out at the dwelling would result in disproportionate additions to the original building. In any case, the roof extension, including the rear dormers, by virtue of its form would increase the overall bulk and mass of the property and the prominence of its roof. As such, the proposal would constitute a disproportionate addition to the original building.

11. For the reasons set out above, the proposal would create a dwelling considerably larger than the original. As a result, it would represent disproportionate additions which would conflict with Policies GB1 and GB10 of the DLP and the Framework. As I do not consider that any of the other exceptions of the Framework apply to the proposal, it represents inappropriate development that is, by definition³, harmful to the Green Belt, and substantial weight must be given to this harm⁴.

Openness of the Green Belt

12. Although the appeal dwelling is set within a residential context, the increase in its overall size and the associated bulk and prominence that would result from the proposal would impact upon the spatial and visual openness of the Green Belt to a greater degree than existing development at the appeal site. The proposal would also be visible from the public realm to the front of the appeal site and neighbouring properties. Although the impacts would be localised, the sense of openness, an essential characteristic of the Green Belt, would be harmed.
13. The appellant has referred me to an appeal decision wherein the Inspector considered the issue of openness in respect of a proposed orangery to the rear of a property within the Council's area⁵. However, that appeal relates to a property which is not in the immediate area of the proposal before me and therefore is likely to be seen in a wholly different context. Consequently, I afford only limited weight to this matter.
14. As a result of the above harm, the proposal would conflict with Policies GB1 and GB10 of the DLP which seek to ensure, among other things, that the scale, height, layout siting, form, design and materials of any new building would not adversely affect the character or amenities of the Green Belt. Further, in accordance with Paragraph 144 of the Framework, I afford the harm to the openness of the Green Belt substantial weight.

Character and appearance

15. The proposed porch would be modest in scale and would sit against two existing elevations. It would appear as a clearly subservient element which would respect the scale and character of the host dwelling and would be an acceptable addition. The single storey rear extension, by virtue of its location between two existing rear projections would be a discreet addition and commensurate with the current scale of the existing dwelling. Thus, these elements on their own would have no materially harmful effects on the character and appearance of the host dwelling, although I am mindful that the

³ Paragraph 143 of the Framework

⁴ Paragraph 144 of the Framework.

⁵ APP/N0410/D/16/3157751

roof of the single storey rear extension relies upon the proposed roof extension.

16. The roof extension would add significant bulk to the dwelling and incorporate a large crown roof and smaller crown roof, resulting in two flat roofed areas, which would be at odds with the existing hipped roof form. The scale and design of the roof extension would thereby fail to respect the scale and appearance of the host dwelling. This harm would be exacerbated by the two box like rear dormers, which due to their scale, width and design would dominate the rear roof plane and appear as incongruous additions. The proposed roof works would be visible from neighbouring properties and would reduce the contribution that the property makes to the character and appearance of the area. They would also be likely to reduce the appreciation of the quality of the environment in which nearby occupiers live. As such, harm, albeit limited, would be caused to the character and appearance of the area.
17. In conclusion, the proposal, due to the roof extension and dormers, would have a harmful effect on the character and appearance of the host dwelling and the area. There would be conflict with Policies EP3 and H11 of the DLP and Policy CP8 of the South Bucks Local Development Framework Core Strategy Development Plan Document, Adopted February 2011. These seek to ensure, among other things, that extensions to existing buildings should reflect the form and design of those buildings and would harmonise with the existing building in terms of scale, height, form and design. Further, extensions should not have an adverse impact on the character or amenities of the locality in general. Moreover, all new development must be of a high standard of design and make a positive contribution to the character of the surrounding area. I consider that these policies are broadly consistent with the Framework.

Other considerations

18. The appellant has been granted a Certificate of Lawfulness (CL) for works at the property⁶, which include among other things, a front porch, hip to gable roof element and a rear dormer. These works can be considered to represent a fall-back position. For significant weight to be afforded to a fall-back position, there needs not only to be a reasonable prospect of it being carried out in the event that planning permission was refused, but it would also need to be equally, or more harmful, than the scheme for which permission is sought. In this case the appellant has not indicated that the fall-back position would be implemented should the current proposal be dismissed.
19. Even if it were, the works to the roof proposed by the appeal proposal would appear bulky and prominent and include a greater extension to the roof than the works under the CL. Consequently, while both proposals would have harmful effects on the openness of the Green Belt, these would be less harmful under the CL development, given the overall bulk and massing that would result from the appeal proposal. Consequently, the fallback position does not add more than limited weight in support of the proposal.
20. The appellant has also referred me to the development of a detached dwelling and garage to the rear of the site, which they advise was approved by the Council in January 2016, and which I observed at my site visit. I have also

⁶ PL/19/1828/SA, dated 23 July 2019

been referred to a further planning permission granted for a detached dwelling with garage and associated access to the rear of No 7 Church Grove⁷, although I have been provided with only a block plan and the Council's Report. While I accept that these developments have an effect on the openness of the Green Belt in this location, they are a form of development that is covered by a separate exception under Paragraph 145 of the Framework. Moreover, the Framework sets out an approach for considering individual proposals in the Green Belt and that has been the basis of my consideration. As such, the examples referred to by the appellant are not directly comparable to the proposals before me, which I have assessed on their own merits. Consequently, these developments add limited support to the proposal.

21. I have also considered the appeals referred to by the appellant. However, I do not have the full details of those appeals before me and I note that they relate to sites that are located some distance from the appeal site. They and would have been considered on their own merits and are likely to be viewed in a wholly different context. As such, I afford only limited weight to these schemes in considering the appeal proposal.
22. I note too that the Council received no objections to the proposal. However, this adds only very limited weight in support of the proposal, as the harm identified would still exist in the absence of any objections.

Conclusion and Recommendation

23. The proposal includes elements, the porch and single storey rear extension, that would not be harmful to the character and appearance of the host dwelling or the area, although the roof to the rear extension relies upon the proposed roof extension. However, this does not overcome the harm that has been identified in respect of the other elements that are proposed.
24. Substantial weight must be given to the harm to the Green Belt by reason of the inappropriateness of the proposal. The harm identified from loss of openness adds to the harm by reason of inappropriateness. Furthermore, I have found that the proposal would cause some harm to the character and appearance of the area which attracts limited weight.
25. Therefore, the totality of this harm is not clearly outweighed by other considerations and I do not find that very special circumstances required to justify the proposal exist. Consequently, the proposal would conflict with the development plan and the Framework and there are no material considerations in this case that indicate a decision other than in accordance with the development plan and the Framework.
25. For the reasons given above, I recommend that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

⁷ 17/02191/FUL, Land Rear of Woodlands, 7 Church Grove, Wexham, Buckinghamshire, SL3 6LF

Inspector's Decision

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

Zoe Raygen INSPECTOR