
Appeal Decision

Site visit made on 10 March 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 April 2020

Appeal Ref: APP/N0410/D/19/3241229

52 Lower Road, Higher Denham, Denham UB9 5EB

- 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 Mark Lea against the decision of South Bucks District Council.
 - The application Ref PL/19/2865/FA, dated 16 August 2019, was refused by notice dated 25 October 2019.
 - The development proposed is a single storey side extension and conversion of garage to habitable use.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - 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; and
 - Whether any harm by reason of inappropriateness would be clearly outweighed by other considerations so to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

3. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is regarded as inappropriate in the Green Belt save for a number 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. The Framework does not set out a definition of 'disproportionate additions'.
4. Policies GB1 and GB10 of the South Bucks District Local Plan (1999) (LP) relate to development in the Green Belt. Policy GB1 permits the limited extension or alteration of existing dwellings. Policy GB10 sets out that the limited extension and alteration of existing dwellings, together with earlier extensions, should be integral to and of a small scale in relation to the size of the original dwelling.

5. The supporting text to the Policy advises that extensions or alterations that increase the floorspace of the original dwelling by more than half will not be regarded as small scale and would be harmful to the open and undeveloped character of the Green Belt.
6. The dwelling was extended under planning permission 91/00433/FUL which increased the floorspace of the original dwelling by 26.9%. A further extension has increased the overall size of the original dwelling resulting in a cumulative floorspace increase of 67.5%. From the evidence before me it appears that these extensions have been implemented. These figures are uncontested, and I have found no reason to believe that they are incorrect. Thus, the existing building currently exceeds the numerical limits stated within GB10 of the LP.
7. The proposal would further increase the total floor space, albeit by a small amount, by approximately 6.3m² resulting in a cumulative increase in floorspace of 73.8%. Notwithstanding the modest increase in floorspace the proposal would result in a building with a greater floor space than prescribed under the policy. As such, the proposal taken together with previous extensions would result in disproportionate additions over and above the size of the original building.
8. The proposed development would not meet any of the other exception criteria in paragraphs 145 and 145 of the Framework. I therefore conclude that the proposal would represent inappropriate development as set out in the Framework and would be contrary to Policies GB1 and GB10 of the LP.

Other considerations

9. I acknowledge that the proposal is located within the developed area of Higher Denham. I also acknowledge that it would not extend any closer to neighbouring property 50 Lower Road, that it would sit well within its plot and that it would not adversely affect the character and appearance of the host property and area or lead to a precedent. However, given the national importance given to protecting the Green Belt these factors do not clearly outweigh the identified harm to the Green Belt alone or in combination so as to amount to the very special circumstances necessary to justify the development.
10. The appellant has referred to a new dwelling allowed on appeal¹ at 56 Lower Road. However, it is apparent to me that this relates to a materially different scheme and would not amount to very special circumstances to justify the proposed development. In any event every appeal must be considered on its own merits.

Conclusion

11. The proposal would be inappropriate development in the Green Belt and the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

¹ APP/N0410/A/08/2061509

12. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR