



Appeal Decision

Site visit made on 16 June 2020

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2020

Appeal Ref: APP/N0410/D/20/3246515

The Gatehouse, Stoke Common Road, Fulmer, SL3 6HB

- 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 Hardial Tawana against the decision of Buckinghamshire Council – South Bucks Area.
 - The application Ref: PL/19/3664/FA dated 25 October 2019, was refused by notice dated 15 January 2020.
 - The development proposed is described as 'first floor 2 bed extension to Gateway Cottage with external fenestration to match existing, replacing incongruous timber cladding and flat roof. Build on existing footprint in part only'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 1 April 2020, South Bucks District Council was one of several local planning authorities to merge into a single Unitary Authority called Buckinghamshire Council. Accordingly, although the original decision (PL/19/3664/FA) was made by South Bucks District Council, it is proceeding as an appeal under the newly formed authority.

Main Issue

3. The main issue is the effect of the proposal in relation to the Green Belt as follows:
 - a) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - b) the effect of the proposal on the openness of the Green Belt; and
 - c) if the proposal is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

4. The Gatehouse is a large, detached house set within a substantial, partly wooded plot located off Stoke Common Road. The surrounding area is

predominantly woodland and open fields, apart from a large detached house, White Lodge, on the opposite side of the access road leading to the appeal property and Fulmer Chase. The site is located within the Metropolitan Green Belt.

Whether inappropriate development in the Green Belt

5. The construction of new buildings should be regarded as inappropriate in the Green Belt subject to a limited number of exceptions as set out in paragraph 145 of the National Planning Policy Framework (the Framework). One of the exceptions is c) 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. Neither the Framework nor the local plan define 'disproportionate'. However, Saved Policy GB10 of the South Bucks District Local Plan 1999¹ (Local Plan) sets out that extensions, which together with any earlier extensions, to existing dwellings should be of a small scale in relation to the size of the original dwelling. This needs to be assessed on a case by case basis, taking into account factors such as footprint, floor space, volume, mass and bulk. Although pre-dating the Framework, Saved Policies GB1 and GB10 are broadly consistent with the Framework's provisions relating to protecting green belt land.
6. The Council's delegated report indicates that the original dwelling house was a modestly sized property with a footprint of 140 sqm. The first-floor extension would be above an existing ground floor extension, referred to by the appellant as the 'black box', granted a Certificate of Lawfulness² in 2013. This extension is indicated to have a footprint of 58 sqm. I have not been provided with specific details of either the area or volume of the proposed extension, however, the appellant has indicated that it would be built on an existing building footprint of 50 sqm. The officer's report indicates it would measure approximately 6.8m deep by 8.5m wide, with a hipped roof with a ridge height of approximately 8m. These figures are not disputed. With a footprint of around 50 sqm the proposed extension, even though formed above an existing extension, would be a large addition to the original dwelling.
7. The extension must be considered in combination with what is already on the site, including any extensions built under permitted development. The original dwelling has already been extended. These previous extensions are indicated to have cumulatively added 178 sqm of floorspace, which represents a 127% increase in floor area above the original dwelling. This has already more than doubled the size of the original building. The appeal scheme would add approximately 50 sqm more to this.
8. As such, the appeal proposal, when considered cumulatively with those previous extensions, would amount to a disproportionate enlargement to the original building. It would therefore be inappropriate development, which is, by definition, harmful to the Green Belt. As such, it would conflict with national policy to protect the Green Belt and be contrary to Saved Policies GB1 and GB10 of the Local Plan.

¹ South Bucks District Local Plan Adopted March 1999, Consolidated September 2007 and February 2011

² Local Planning Authority Ref 13/00519/CLOPED

Effect on the openness of the Green Belt

9. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. Openness is the absence of development and has both spatial and visual effects.
10. In spatial terms, the proposed extension would increase the volume of the building and extend the building above an existing ground floor extension. The additional volume would cause a loss of openness. In addition, due to the position of the extension close to the site boundary and at first floor level, it would be visible and prominent above the fence and boundary hedge from both Stoke Common Road and the private access road into Fulmer Chase. The additional volume in combination with the visual prominence of the extension would cause a loss of openness.
11. I conclude that the appeal proposal would result in a moderate loss of openness thereby causing limited harm to the Green Belt. Therefore, it would be contrary to the objectives of the Framework.

Other considerations

12. The appellant has suggested that a precedent has been set by the number of other properties along Stoke Common Road within the Green Belt, including the neighbouring property at White Lodge, that have been granted consent for large outbuildings which have included roof level accommodation. No specific details have been provided for these developments. However, these are described as outbuildings rather than extensions to which different permitted development rights apply. They are not therefore comparable to the proposed development which is seeking a first-floor extension to the house. I therefore give this very limited weight.
13. I accept that the appellant has permitted development rights for certain extensions and outbuildings within their curtilage which could increase scale and reduce openness. However, the scheme before me is for an extension for which planning permission is being sought. It is for me to determine this appeal having regard to the requirements of the development plan and policies set out there in which I have done.
14. The appellant has suggested that if planning permission were to be granted, a limit on further outbuildings within the curtilage of the property could be secured through a condition. However, I am mindful that the use of conditions to restrict the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. As such, I give this very limited weight.
15. The proposed development would improve the overall appearance of the property as both the proposed extension and the existing modern and incongruous, timber boarded 'black box' extension, which would be re-clad, would be finished in materials to match those of the existing building. The design would reflect the rustic character of the property and would be more in keeping with the existing house. This would be a benefit of the scheme to which I give moderate weight.

16. The proposed development would provide additional accommodation in the form of extra bedrooms for the appellant's young family. This is a personal benefit. I give this limited weight.

The Green Belt Balance

17. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also found that it would cause moderate harm to the openness of the Green Belt. These are matters to which I give substantial weight as required by paragraph 144 of the Framework.
18. The proposal would enhance the appearance of the property and provide the private benefit of additional accommodation for the appellant. Cumulatively, given the improved appearance of the property, these benefits would have moderate weight. However, they would not outweigh the substantial harm to the Green Belt I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
19. As such the proposed development would be contrary to the Framework. It would also conflict with Saved Policies GB1 and GB10 of the Local Plan which set out that the Green Belt should be protected against inappropriate development.

Conclusion

20. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Rachael Pipkin

INSPECTOR