



Appeal Decision

Site visit made on 21 July 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th September 2020

Appeal Ref: APP/X0415/D/20/3245620

Hill View, Hill Farm Lane, Chalfont St Giles HP8 4NT

- 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 Dr & Mrs Mayhew against the decision of Buckinghamshire Council - Chiltern Area.
 - The application Ref PL/19/3894/FA, dated 12 November 2019, was refused by notice dated 7 January 2020.
 - The development proposed is a first-floor side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first-floor side extension at Hill View, Hill Farm Lane, Chalfont St Giles HP8 4NT in accordance with the terms of the application, Ref: PL/19/3894/FA, dated 12 November 2019, subject to the schedule of conditions attached to this decision.

Procedural Matters

2. On 1 April 2020 several Local Planning Authorities including the original decision making authority, Chiltern District Council, merged into a single Unitary Authority called Buckinghamshire Council. As such, I have referred to the new authority in my Appeal Decision.
3. Paragraph 13 of the Council's officer report states that the proposed development does not accord with Saved Policy H16 of the Chiltern District Council Local Plan, adopted September 1997 (including alterations adopted May 2001), Consolidated September 2007 and November 2011 (the 'LP'). However, this policy does not form part of the reason for refusal on the Council's decision notice. Furthermore, paragraph 15 of the officer report states that "no concerns are raised in relation to Policies GC3, H14 and H16". On that basis, and, given that no substantive evidence has been put forward by the Council to explain why the proposal conflicts with Saved Policy H16, I am satisfied that this is a typographical error and I have dealt with the appeal on that basis.

Main Issues

4. The appeal site is located within the Green Belt and so the main issues are: (i) whether the proposal represents inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and development plan policy; and (ii) the effect of the proposal on the character and appearance of the area and the host building.

Reasons

Whether the proposal represents inappropriate development in the Green Belt

5. The appeal property is a two-storey detached dwelling with a detached garage. The property has a single storey side and rear extension. It is proposed to erect a first-floor side extension directly over the existing single storey side extension. The extension would have a gable roof form and it would be constructed from materials to match the host building. The ridge height of the proposed extension would be lower than the host building.
6. The Government attaches great importance to Green Belts. 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.
7. Policy GB13 of the LP, amongst other things, allows for extensions in the Green Belt where the proposal is subordinate to the size and scale of the 'original dwelling', taking into account the cumulative effect of previous extensions.
8. Paragraph 145 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, an exception to this, as set out by criterion (c) of paragraph 145, 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".
9. Paragraph 4.79 of the LP explains Policy GB13 was prepared to take into account of the now cancelled national guidance in PPG2 (Green Belts). The policy refers to the 'subordinate' additions to the 'original dwelling', whereas paragraph 145(c) of the Framework refers to the 'disproportionate' additions to the 'original building'. Therefore, having regard to paragraph 213 of the Framework, the Green Belt policy in the Framework should be afforded greater weight than Policy GB13 of the LP for the purposes of determining this appeal as the development plan policy is not wholly consistent with the Framework.
10. The Glossary of the Framework states that an 'original building' means a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. In this instance, the evidence before me indicates that both the single storey extensions are additions to the 'original building'.
11. The main parties explain that there have been two previous planning applications^{1,2} at the appeal site, both of which sought planning permission for the erection of a different two-storey side extensions. Both applications were materially wider and deeper than the current proposal, with the second application also proposing a basement level and the demolition of the existing single storey rear extension. Therefore, I consider that the previously refused applications, the second of which was dismissed at appeal³, are materially different to the current proposal. As such, I have afforded the previous decisions limited weight.
12. The Framework does not specify what might be a disproportionate addition over and above the size of the original building. In addition, the Council has not

¹ Council Ref: CH/2011/1980/FA

² Council Ref: CH/2012/0430/FA

³ Appeal Ref: APP/X0415/D/12/2176307

referred me to any development plan policies which would define what is disproportionate. Consequently, this is a matter to be determined on a case by case basis.

13. The proposed extension would represent an additional extension to the original building at the appeal site and would result in a two-storey side extension. Nevertheless, when considered collectively, the existing and proposed extensions, by virtue of their overall size and cumulative floor area in relation to the host building, in addition to the ridge height of the proposed first floor extension, which would be noticeably lower than the host building, would not result in disproportionate additions over and above the size of the original building.
14. The Council's concerns in respect of the loss of openness are noted. However, where a development is found to be 'not inappropriate' when assessing a proposal against paragraph 145(c) of the Framework, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt.
15. In conclusion, for the reasons given above, the proposal would not be inappropriate development in the Green Belt. Therefore, the proposal would accord with paragraph 145 of the Framework. In addition to the above, the proposal would also accord with criterion (a) of Policy GB13 which explains that extensions should be subordinate to the size and scale of the original dwelling.

Character and appearance

16. The appeal property occupies an elevated parcel of land on Hill Farm Lane, which is a long country lane that serves a small number of dwellings and a small trading estate. Either side of the appeal site there are detached dwellings, both of which occupy relatively large plots. The high hedges, mature trees and fragmented pattern of low-density development located along Hill Farm Lane, with agricultural land beyond, gives the immediate area a rural character.
17. The proposed extension would be set back a significant distance from the front elevation of the host building and the side boundary of the appeal site. Therefore, the proposal would retain the existing spacing to the front, side and rear of the appeal property. In addition, the ridge height of the proposed extension would be sited well below the ridge line of the host building, which would act to lessen the overall mass of the proposal.
18. In terms of design, the overall appearance and external finish of the proposed extension, including the proposed gable roof form, would be well related to the design and appearance of the host building.
19. In conclusion, the proposed extension would be of an appropriate design and scale and would have a subservient relationship with the host building, which would safeguard the character and appearance of the area and host building. As such, the development would accord with Policies GC1 and H15 of the LP, which, require new development, including extensions to existing buildings, to be of a high standard of design which is in scale and in keeping with the existing dwelling and surrounding area. Having regard to paragraph 213 of the Framework, I consider that these policies are consistent with the Framework's aims of securing good, contextually appropriate design.

20. In addition to the above, the proposal would accord with criterion (b) of Policy GB13 of the LP which states that the Council will permit extensions to dwellings which are not intrusive in the landscape. However, for the reasons given above, I have found that the Green Belt policy in the Framework shall be afforded greater weight than Policy GB13 of the LP for the purposes of determining this appeal.

Conditions

21. The Council have suggested four conditions which I have considered against the tests as laid out in paragraph 55 of the Framework.
22. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty.
23. In the interests of the character and appearance of the area, it is necessary to impose a condition requiring the external materials to match those on the existing property.
24. The Council have recommended a condition which would act to remove permitted development rights for the insertion of a first-floor window on the side facing elevation of the proposed extension. The Council contend that the condition is necessary to protect the amenities and privacy of the adjoining property.
25. However, I note that the relevant permitted right only permits a window to be installed in this elevation if it is obscure-glazed or non-opening except if more than 1.7 metres above floor level. I am satisfied that these requirements would protect the amenities and privacy of the adjoining property. Therefore, it is not necessary to impose a separate condition.

Conclusion

26. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Christopher Miell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - HFL PA 02 Rev: A (Proposed Floor Plans and Elevations)
 - HFL PA 03 Rev: A (Location Plan and Site Plan)
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

***** End of Conditions *****