
Appeal Decision

Site visit made on 1 September 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2020

Appeal Ref: APP/P1940/D/20/3244318
Silverfields, Bucks Hill, Sarratt WD4 9AT

- 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 and Mrs Wagstaff against the decision of Three Rivers District Council.
 - The application Ref 19/2009/FUL, dated 15 October 2019, was refused by notice dated 11 December 2019.
 - The development proposed is alteration to an existing rear extension.
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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 and any relevant development plan policies;
 - The effect on the openness of the Green Belt; and
 - 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

Whether inappropriate development

3. The National Planning Policy Framework (the Framework), at Paragraph 145, regards the construction of new buildings as inappropriate development in the Green Belt, unless the development falls within certain listed exceptions. One of several exceptions to this, 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.
4. Policy CP11 of the Core Strategy (CS) (2011) sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it.

5. Policy DM2 of the Development Management Policies Local Development Document (DMP) (2013) relates to development within the Green Belt and sets out that extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building will not be permitted. It also states that the building's proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account. The Council's 'Extensions to Dwellings in the Green Belt Supplementary Planning Guidance' (GBSPG) suggests that a cumulative increase of 40% floorspace would be disproportionate.
6. I acknowledge that the Council's policies and GBSPG pre-date the Framework. Nevertheless, they remain broadly consistent with the Framework. Therefore, they still carry significant weight. However, neither the Framework, nor the policies, define what is meant by 'disproportionate'. The GBSPG provides relevant guidance as to how this may be judged, therefore, it is still a relevant consideration for the proposal in terms of whether it would be disproportionate.
7. The appeal dwelling is a detached property, situated within a large site, within a built-up and well established ribbon of development, albeit within the countryside. The setting of the property is comparable to its immediate neighbours in that it is a large detached house set within large gardens. The property has been previously extended to the rear at the ground floor, as well as to the side and front. The proposal is located to the rear of the existing residential property, which would alter and extend the existing rear extension.
8. The Council has stated that the original floor space was 150sqm, and that the floor space of the existing extensions is 362sqm. The proposed extension would be an additional 24sqm and the cumulative increase would be approximately 247% over the original floor space. Therefore, the proposal would significantly exceed the guidance figure of 40% that is considered to be acceptable within the Green Belt.
9. Whilst I acknowledge that the proposal in itself is a relatively small addition, when combined with the existing extensions, which are substantial in size, it would be a significant cumulative increase over the original floorspace. Irrespective of the guidance in the GBSPG, the proposal when taken as a whole, compared to the original building, would be significantly larger and would be disproportionate in size.
10. I have been directed to an appeal¹ where the Inspector concluded that whilst there was an increase in footprint, this was not sufficient to constitute inappropriate development. However, that scheme was not located within this District and the 72% increase to the size of the original dwelling, was significantly less than the cumulative increase of this proposal. Therefore, I do not consider that they are directly comparable. In any case, each proposal must be determined on its own planning merits and within its own context.
11. Accordingly, the proposal would be inappropriate development as described in Paragraph 145 Framework, Policy CP11 of the CS and Policy DM2 of the DMP. Inappropriate development is by definition, harmful to the Green Belt, and should only be permitted in very special circumstances. I shall return to this below.

¹ PP/Y3615/W/18/3202309

Openness

12. Paragraph 133 of the Framework states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence. Openness can have both visual and spatial elements.
13. The development would include additional bulk being added to the existing single storey rear projection, with the proposal extending out further than the existing elevation, and the roof being changed from a flat roof to a hipped roof. The additional roof form would be nearly up to the first floor window cill height, and it would result in a noticeable height increase compared to the existing extension. There would, therefore, be some impact on visual openness.
14. The appellants have suggested that the scale of development is proportional to the otherwise built-up profile of the existing development pattern within its surroundings, and that it would not be seen from anywhere other than within the site.
15. In this particular case, the appeal site has an existing extension to the rear. However, the proposal would extend the existing development, and would increase the mass and bulk of the cumulative extensions, which would have an adverse impact on both spatial and visual openness of the Green Belt. Despite the surrounding context, the proposal would be a material addition to the amount of built development on the site, and it would have a harmful effect upon the openness of the Green Belt in this location. Furthermore, openness is not solely an assessment of whether a development can be seen, as it is an assessment of both visual and spatial elements.

Other Considerations

16. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
17. The Council's officer report refers to a possible fallback position. It suggests that the appellants highlighted the potential for a larger home extension of up to 8 metres in depth through permitted development rights. However, there is not a Lawful Development Certificate before me and there is no substantive evidence to suggest that the appellant would carry this out. Moreover, any such extension would be first subject to some form of consultation with neighbours. The appellant has not addressed this in their evidence. Based on the limited evidence before me, it is not clear that such a development could legitimately be considered a realistic fallback position. On this basis, I have given this factor little weight.
18. The appellants have suggested that many of the dwellings along Buck Hill have been extended, including the neighbouring properties, the Old Post Office and Mill House, which have rear extensions and outbuildings. However, I do not have full details before me to determine the planning status of the extensions and alterations that have taken place on the nearby properties or what may have led to their approval. I therefore cannot conclude with any certainty that these are directly comparable to the proposal or that the Council have been inconsistent in their decision making.

19. Whilst I note the extension to the Old Post Office is prominent, it does not necessarily make this proposal acceptable. In any case, each proposal must be determined on its own planning merits, which is what I have done.
20. The appellants have stated that the proposal would be a desirable addition and would be more in-keeping with the character and appearance of the existing property. They have also stated that the alterations are relatively modest in scale, are sympathetically sited and designed so as to closely assimilate within the existing development and topography. However, the appearance of the host property is not unpleasant and the change to the appearance of the property would be a neutral consideration. This factor does not therefore, weigh in favour of the development. Whilst I acknowledge that the proposal in itself is relatively small in scale, it would have a significant cumulative increase over the original floorspace of the property. It would be inappropriate development and would harm the openness of the Green Belt as I have identified above.

Green Belt Balance

21. The Government attaches great importance to Green Belts. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt. In this case, I have found harm to the Green Belt by reason of the proposed development's inappropriateness and impact on openness. These matters attract substantial weight.
22. Balanced against that, are the other considerations discussed above. However, I give these limited weight, and they would not clearly outweigh the harm to the Green Belt.
23. The very special circumstances necessary to justify the development therefore do not exist. Consequently, the proposed development would conflict with Policy CP11 of the CS and Policy DM2 of the DMP, which seek to protect the Green Belt and preserve its openness.

Conclusion

24. For the reasons given above I conclude that the appeal is dismissed.

D Peppitt

INSPECTOR