



Appeal Decision

Site visit made on 24 September 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2020

Appeal Ref: APP/X0415/D/20/3246022

Laurel Lodge, Penn Street, Amersham, Buckinghamshire HP7 0PP

- 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 Michael Henry against the decision of Buckinghamshire Council - Chiltern Area.
 - The application Ref PL/19/2893/FA, dated 11 August 2019, was refused by notice dated 13 November 2019.
 - The development proposed is a two-storey side extension.
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Decision

1. The appeal is dismissed.

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. The Council's decision notice refers to the proposal as a "two-storey front extension with porch". However, the description of development on the application form refers to the proposal as a 'side extension'. Indeed, the Council's officer report refers to the "erection of a two-storey side extension...". Based on the evidence before me, I consider the proposal to be a side extension to the host building and I have dealt with the appeal on that basis.

Main Issues

4. The main issues 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;
 - the effect on the openness of the Green Belt;
 - the effect of the proposal upon the Chilterns Area of Outstanding Natural Beauty (the 'AONB'); and
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal represents inappropriate development in the Green Belt

5. The appeal property is a two-storey detached dwelling that is situated within the Green Belt. It is proposed to erect a two-storey side extension, which includes a single-storey porch.
6. Criterion (c) of Policy GB2 of the Chiltern District Council Local Plan, adopted September 1997 (including alterations adopted May 2001), Consolidated September 2007 and November 2011 (the 'LP') explains that the limited extension and alteration of existing dwellings in accordance with Policy GB13 of the LP, is considered to be not inappropriate development in the Green Belt.
7. Policy GB13 of the LP, amongst other things, explains that extensions in the Green Belt should be 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 'subordinate' additions to the 'original dwelling', whereas paragraph 145(c) of the Framework refers to 'disproportionate' additions to the 'original building'.
10. Therefore, having regard to paragraph 213 of the Framework, the Green Belt policy in the Framework should be afforded greater weight than Policies GB2 and GB13 of the LP for the purposes of determining this appeal as the development plan policy is not wholly consistent with the Framework.
11. 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.
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 referred me to any local policies which would define what is disproportionate. Consequently, this is a matter to be determined on a case by case basis.
13. The Council explain that the original building has been extended twice. The first set of extensions were erected pursuant to a planning permission from the 1980's and comprise of a part single and part first-floor extension. Whilst a conservatory was added to the property at a later date. This matter has not been disputed by the appellant. Therefore, as a matter of fact and degree, I consider these extensions to be additions to the 'original building'.
14. The size of the proposed development would result in a significant extension to the original building. Owing to the overall size of the proposed extension, and, taking account of the cumulative effect of the previous extensions at the property, the proposed development would represent a disproportionate addition over and above the size of the original building.

15. For this reason, the proposed development would constitute inappropriate development in the Green Belt.
16. By virtue of its extensive size, the proposed extension would not be subordinate to the size and scale of the original dwelling. To this regard, the proposal would not accord with Criterion (c) of Policy GB2 and Policy GB13 of the LP. However, for the reasons given above, I have afforded these policies very limited weight.

Openness of the Green Belt

17. 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. The assessment of openness requires a consideration of both spatial and visual aspects.
18. The proposed extension would significantly increase the overall width of the appeal property. However, the building is set back from the roadside and views of the existing dwelling are well screened by established trees to the site boundaries. Moreover, the appeal property is situated within a rural location where there are no immediate neighbouring properties. For these reasons, the proposed development would not be readily visible from the public realm. As such, the proposal would cause limited harm to the visual openness of the Green Belt.
19. In spatial terms, the proposal would result in an enlarged dwelling at the appeal site. However, the appeal property is situated within a spacious plot and it would remain surrounded by garden land. As such, the degree of spatial harm would be limited.
20. In conclusion, the proposal would not preserve the openness of the Green Belt. Whilst the degree of harm would be limited, paragraph 144 of the Framework is clear that substantial weight should be given to any harm to the Green Belt.

Chilterns Area of Outstanding Natural Beauty

21. The design and appearance of the proposed extension would be in-keeping with the host building. Moreover, the proposal would incorporate materials and fenestration detailing that would be well related to the design of the host building, and, thus the proposal would respect the architectural interest of the existing dwelling. Consequently, the development would have a neutral impact upon and thus conserve the landscape quality and natural beauty of the AONB.
22. For this reason, the proposal would accord with Policy LSQ1 of the LP and Policy CS22 of the Core Strategy for Chiltern District which explains that development should conserve and enhance the special landscape character and high scenic quality of the AONB.

Other considerations

23. Paragraph 143 of the Framework explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
24. I recognise that the existing first-floor bedrooms at the appeal property have limited headroom. However, this is not an uncommon characteristic of historic buildings, such as the appeal property. Moreover, no substantive evidence has

- been put forward to demonstrate that suitable alternative housing in the local area is not available to buy or rent. Therefore, this does not represent very special circumstances.
25. The Council have granted two certificates of lawfulness^{1,2} pursuant to Section 192 of the Town and Country Planning Act 1990 for the erection of a single-storey rear extension and single-storey outbuilding at the appeal property by virtue of the provisions set out under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 26. The appellant argues that such permitted development would have a greater impact on the Green Belt than the appeal development. Therefore, he contends that the fallback position should be afforded significant weight, which would represent very special circumstances to justify the proposal.
 27. The Courts have set out a two-stage approach where a determination must first be made concerning whether the fallback position is a material consideration, before weight is ascribed. The first stage is to determine whether there is a greater than a theoretical possibility that the development might take place. The second stage is that if it is found that there is a greater than theoretical possibility, then the decision-maker should exercise their planning judgement to determine what weight should be ascribed to the fallback position.
 28. The appellant explains that the single storey extension and outbuilding would provide additional bedroom areas and living space for the appellant's family. Given that the existing first-floor bedrooms within the appeal property have a limited amount of useable floorspace, I consider that there is a 'greater than theoretical possibility' that the appellant's fallback position would occur. As such, I afford the fallback position significant weight as a material consideration.
 29. If the permitted developments were implemented, the appeal property would retain its existing width. In addition, a significant amount of the built volume provided by permitted development would be provided by a single-storey outbuilding to the rear of the existing dwelling, which would appear subservient to the host building.
 30. Given the above, I conclude that the extensions, alterations and outbuilding that could be constructed at the appeal property, would result in less harm to the openness of the Green Belt, compared to the appeal proposal.
 31. As set out above, the development would conserve the landscape quality and natural beauty of the AONB. However, this is a matter of neutral consequence in the overall planning balance.
 32. Consequently, these considerations, along with the other matters identified in the evidence either individually or collectively, do not clearly outweigh the identified harm to the Green Belt so as to amount to very special circumstances.

¹ Council Ref: PL/18/2721/SA – Proposed single-storey extension

² Council Ref: PL/19/0039/SA – Proposed erection of outbuilding

Conclusion

33. In conclusion, the appeal proposal would be inappropriate development in the terms set out by the Framework and it would result in a loss of openness to the Green Belt. These issues are not outweighed by the considerations advanced by the appellant so as to amount to the very special circumstances necessary to justify the proposal. Therefore, for the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR