



Appeal Decision

Site visit made on 20 October 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2020

Appeal Ref: APP/K0425/D/20/3256605

Vivaldi, Stocking Lane, Naphill, HP14 4NE

- 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 Brian Cowan against the decision of Buckinghamshire Council.
 - The application Ref 20/05582/FUL, dated 3 March 2020, was refused by notice dated 5 May 2020.
 - The development proposed is demolition of existing conservatory in connection with double and single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is located within the Chilterns Area of Outstanding Natural Beauty (AONB) and the Metropolitan Green Belt. Accordingly, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect on the openness of the Green Belt;
 - whether sufficient information has been provided to assess ecological effects; and
 - whether any 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 inappropriate development

3. Paragraph 143 of the National Planning Policy Framework (the Framework) establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that substantial weight should be given to any harm to the Green Belt and very special circumstances 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.

4. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt other than in a number of exceptions. One 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.
5. Policy DM43 of the Wycombe District Local Plan, 2019 (LP) is consistent with the Framework and expands on the above exception, stating that the extension of a dwelling will only be considered not inappropriate development in the Green Belt when it satisfies one (or more) specified conditions. These include:
 - c) when a dwelling is within a ribbon of development that presents a substantially built up frontage and the resultant dwelling would not exceed the average volume of its two directly adjacent neighbours.
 - e) that where the volume of the original dwelling is between 240 and 720 cubic metres, the total volume of the resulting building is no more than the volume of the original building plus 50%.
6. The development would include the removal of an existing conservatory and erection of a two-storey element in the same position, albeit with a slightly smaller footprint, and a single storey extension extending almost the width of the property. The Council has calculated that the proposal would result in a 110% increase in the volume of the original building, and the figures provided by the appellant would not disagree with that. The appeal property forms the end dwelling in a ribbon development and as such does not have two directly adjacent neighbours.
7. The proposals would therefore not meet either of the conditions stated above, and the parties agree that the proposals would not meet any of the other conditions set out within LP Policy DM43.
8. The appellant considers LP Policy DM43 is open to interpretation, and the exclusion of properties at the end of ribbon developments from condition c) is an unintended consequence. They consider the volume of the proposal should be considered against the one directly adjacent neighbour, or the two neighbouring properties.
9. Nonetheless, the wording within the policy is clear and precise. The property at Lark Rise could not be considered to be directly adjacent to the appeal site as there is an intervening property, and condition c) is clear that it relates to two directly adjacent neighbouring properties, not one.
10. The policy forms part of a recently adopted LP and, whilst more detailed than the Framework, it is not contrary to it. Furthermore, there are other criteria within the policy which could apply to end of ribbon properties and the policy does not, therefore, wholly exclude extensions to end of ribbon properties. The Policy is also clear that in all cases the development is required to appear proportionate to the original dwelling.
11. Whilst representing a significant increase to the volume of the original dwelling, the proposals would also result in a considerable increase to its footprint. The existing two-storey extension is a substantial addition and the proposed additions would result in extensions that would span almost the full width of the original property.

12. The depth of the two-storey element would be comparable to that of the original dwelling and, combined with the existing two-storey extension, would result in a substantial roof arrangement and an overall bulk that would not be proportionate to the original dwelling. In addition, the single storey element would further extend the overall depth of extensions significantly beyond that of the original dwelling.
13. Therefore, even considered in the terms of the Framework the proposals would not be proportionate to the original building. On the basis of the above, I conclude that the proposals would amount to inappropriate development in the Green Belt and would not accord with LP Policies CP8 and DM43 or the Framework.

Effect on openness

14. A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Court judgments have confirmed that there can be both spatial and visual dimensions to openness within the Green Belt.
15. The proposed extensions would significantly increase the built form on the site and would equate to an overall 110% increase in volume from the original dwelling. The massing of the extensions would therefore be disproportionate to the original dwelling and, in spatial terms, would have a harmful impact upon the openness of the Green Belt.
16. Openness also has a visual aspect as well as a spatial one. Although the proposals would not significantly alter the appearance of the frontage of the dwelling, the overall additions to the rear would be a dominant feature and dwarf the original dwelling.
17. The existing conservatory to be replaced does extend slightly beyond the side and rear elevations, though it is a lightweight, single storey structure, and considering this and its siting it is not a prominent or intrusive feature. The proposed two-storey rear extension by contrast would visually, due to its overall height and bulk, be significantly more substantial. The single storey rear extension would also be substantial having a depth and width almost comparable to the original dwelling.
18. The new extension would continue the line to the east side elevation at the back of the existing building and the two-storey extension would also extend the roof at its existing height. In doing so, it would not achieve a subordinate relationship to the main building. Critically, it would fail to leave the original form of the building legible, which would detract from its appearance. I saw on my site visit that there are public views of the side gables from the road, albeit at an oblique angle. The side of the two-storey extension in particular would be similarly visible, and its substantial bulk and scale would be discernible from the street. It would be clear that the original building had been substantially extended.
19. The existing dwelling is located within a large plot and the extensions would be viewed in the context of the existing ribbon development. There are however wider views to the rear where land levels fall, and the landscape is more open. The adjacent woodland and existing landscaping would aid in screening the

development though the proposal would still result in unacceptable visual harm and this is in addition to the harmful impact on openness due to its spatial characteristics.

Ecology

20. LP Policy DM34 and Policies DM13 and DM14 of the Adopted Delivery and Site Allocations Plan, 2013 (DSAP) require development to protect and enhance biodiversity with development proposals in, or potentially affecting, a designated site or protected species, or where potential biodiversity interest is identified, to be accompanied by reports relevant to the impact of the development on the species or features of interest on the site. The Framework further sets out that planning decisions should minimise impacts on and provide net gains for biodiversity¹.
21. Circular 06/2005 advises that it is essential that the presence, or otherwise, of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It goes on to state that surveys should be carried out before planning permission is granted.
22. The site is within the open countryside and contains trees and mature landscaping, it also lies within close proximity of an area of ancient semi-natural woodland which is identified as a Biological Notification Site. These features all have the potential to support protected species providing nesting, foraging and commuting habitat.
23. In the absence of an appropriately conducted survey by a qualified ecologist, it is simply not known whether protected species are present and, if there are, whether or what mitigation measures would be appropriate. I note the appellant's concerns with the stage at which the absence of a survey was raised by the Council and that they would seek to undertake the necessary surveys. Nevertheless, in the evidence before me there is insufficient information to demonstrate that the appeal scheme would avoid or adequately mitigate unacceptable harm to protected species.
24. Given this degree of uncertainty, and the clear guidance of Circular 06/2005 that the effect on protected species is established before planning permission is granted, the use of conditions to require a survey to be undertaken would not, in this case, be reasonable.
25. The development would therefore conflict with DSAP Policies DM13 and DM14, LP Policy DM34 and the Framework² which also advises that where significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused.

Other considerations

26. No objections were received to the application. The proposals would not adversely impact on the AONB or the living conditions of existing occupiers. They would retain existing landscaping and utilise appropriate materials.

¹ Paragraph 170

² Paragraph 175

Nonetheless, these factors would have a neutral effect, and do not, therefore, weigh in favour of the appeal.

27. The appellant suggests the proposal would increase the amount of green space through the landscaping of existing areas of hardstanding. This would be a positive aspect though there is nothing to suggest that the appeal scheme would be the only way to achieve this. I therefore attach this little weight.
28. I note that the proposal would provide improved living accommodation and it is suggested that the proposal would reduce the need to commute to a place of work by providing office space. However, the office space indicated is shown to be existing and I am mindful that these benefits would be personal to the appellant. I must also consider that the future occupancy of the dwelling could change. Any employment created during construction and from future occupants use of local services would also only result in temporary and modest benefits. These matters therefore attract limited weight.
29. It is stated that the extensions would improve the energy efficiency of the building and make better use of sunlight and daylight. There is also reference to utilising an existing underground rainwater storage chamber, though little detail is provided on this matter. Whilst these would be benefits of the scheme there is no evidence to demonstrate the proposals would be the only way to achieve them and as such, I attach moderate weight to these matters.
30. The appellant suggests that there is potential for substantial outbuildings and extensions to be undertaken within permitted development rights. However, there are no details provided on this and it is not evident that there is a realistic fallback position in this case. Therefore, I attribute little weight to this consideration.

Other Matters

31. I note the Council's site visit was impacted by Covid-19 restrictions and the appellant has raised concerns regarding the review of requested photographs of the site. Nevertheless, as restrictions eased, I have been able to access the rear of the property on my site visit. Furthermore, I note the concerns regarding how swiftly the Council made their decision though in determining the appeal before me there is no evidence to suggest that any parties have been prejudiced. These other matters do not, therefore, lead me to a different conclusion.

Conclusion

32. I have found that the development would amount to inappropriate development in the Green Belt and that there would be significant harm caused to openness. Paragraphs 143 and 144 of the Framework make clear that inappropriate development is harmful to the Green Belt and this is therefore a matter to which I must attach substantial weight.

Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt and the development conflicts with LP Policies CP8 and DM43 and the Framework. For the reasons stated above I therefore conclude that the appeal should be dismissed.

A Denby INSPECTOR