



Appeal Decision

Site visit made on 4 February 2021

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24 February 2021

Appeal Ref: APP/X0415/D/20/3263028

Orchard Cottage, Mopes Farm, Denham Lane, Chalfont St Peter SL9 0QH

- 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 Andrew Edgar against the decision of Buckinghamshire Council.
 - The application Ref. PL/20/2464/FA, dated 30 July 2020, was refused by notice dated 16 October 2020.
 - The development proposed is a two storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the address given in the decision notice in the banner heading above. This describes the property more accurately and I note is the address used by the appellant's agent in the appeal form.

Main Issues

3. The main issues in this appeal are as follows:
 - 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 of the proposal on the openness of the Green Belt, and on the character and appearance of the host dwelling and the area;
 - The effect of the proposal on the special interest of the listed buildings known as Mopes Farmhouse and Mopes Farm Cottages;
 - Whether any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate Development

4. Orchard Cottage is within the Green Belt. The Framework states that the construction of new buildings is inappropriate development within the Green Belt unless the development falls within one of a number of specified exceptions. These include the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. The Framework requires that assessment of whether an addition is disproportionate is made with reference to the original building, in this case the property as built.
5. The Framework does not detail what a disproportionate addition means, nor does it specify percentage increases or specific extension sizes where an extension might be considered disproportionate. Orchard Cottage is a relatively modest building within a generous garden, and the proposed extension would increase its floorspace by approximately 35%. The proposed extension would be two storeys high with a gable roof increasing the height and bulk of the extension. It would be a sizable addition extending across almost half of the width of the building.
6. My attention has been drawn to an appeal decision where an Inspector found an increase of 42% floor space to not be a disproportionate addition to a building. I note however in this case that the Inspector concluded that the extension also reflected the design of the building and the ratio between its volume and floor space was minimised due to a flat roof extension. Its context therefore differs to the scheme before me. As such this development only merits limited weight and does not lead me to a different view in this case. Reference has also been made to the increase being substantially less than a 50% increase usually considered to be the maximum by the Council. However, numerical increases are not the same as proportionality.
7. Notwithstanding the generous garden, I find that the extension would be sizable, the scale of which would amount to a disproportionate addition to the original building. It would accordingly amount to inappropriate development within the Green Belt and I attach significant weight to the harm it would cause.
8. The proposal would also conflict with Policies GB2 and GB13 of the Chiltern District Local Plan (1997) (Local Plan) which permit extensions to dwellings in the Green Belt where the built form is subordinate to the size and scale of the original dwelling and not intrusive in the landscape. Notwithstanding that they predate the Framework, these policies aim to restrict inappropriate development within the Green Belt in line with National Planning Policy.

Openness

9. The Framework identifies the essential characteristics of the Green Belt as their openness and permanence. The appeal proposal would result in a notable addition to the building and add to the level of built development in this location. There would be a reduction in the openness of the Green Belt, which would represent harm to one of the Green Belt's essential characteristics outlined in the Framework.

10. There is a visual aspect to openness. Orchard Cottage has a generous rear garden and there is willow timber screening at the side. The extension is to the rear of the property, and views of the proposed extension would be limited to those obtained from the rear of other dwellings within the Mopes Farm complex. As such, the proposal would have a limited impact to the visual amenity of the Green Belt.
11. I conclude overall that the proposed development would represent a disproportionate addition over and above the size of the original building and as such would be inappropriate development within the Green Belt. It would also harm openness. The proposed development would also be contrary to Local Plan Policies GB2 and GB13, details of which I have already given above. Whilst the harm would be small in the context of the Green Belt as a whole, the Framework is clear that substantial weight should be given to any harm in the Green Belt.

Character and Appearance

12. Whilst Orchard Cottage is a relatively new building, its linear simple form has been designed to reflect the agricultural heritage associated with Mopes Farmhouse and its features reflect characteristics of an agricultural barn. I acknowledge that the extension would be constructed in matching materials and that it would be set in from both flanks and incorporate modest windows and door openings. Nonetheless, the addition of a two storey rear extension projecting some 5 metres in depth and extending across almost half of the width of the building, would interrupt the simple linear form of the existing building. I appreciate that the design of the ridge height has been dictated by the eaves height and roof pitch and is slightly lower than the main ridge. However, the gable roof would be unduly prominent adding to the bulk of the extension and would be an incongruous feature against the upper storey of the building.
13. Accordingly, the extension would not appear as a logical addition to the existing building and would be at odds with its prevailing linear character and design. As such it would be contrary to Policy CS20 of the Core Strategy for Chiltern District which requires development to respect the character of the local area. It would also conflict with Policies GC1 and H15 within the Local Plan, which amongst other matters, requires extensions to respect the scale and proportions of existing buildings. In addition, it would conflict with the Residential Extensions and Householder Development Supplementary Planning Document (2013) which likewise seeks to ensure extensions respect the scale and proportions of existing buildings.

Listed Building

14. There is a statutory duty to pay special attention to the desirability of preserving any Listed Building or its setting or any features of special architectural or historic interest which it possesses. In addition, the Framework states that great weight should be attached to the conservation of designated heritage assets, in this case Mopes Farmhouse and Mopes Farm Cottages. The Framework defines the setting of a heritage asset as "the surroundings in which a heritage asset is experienced". Policy LB2 of the Local Plan also specifies that planning permission should be refused for development within the vicinity of a listed building which would adversely affect the setting of that Listed Building.

15. Orchard Cottage was designed to reflect the agricultural heritage of the complex in which it is now situate. Although it is located a short distance away from Mopes Farmhouse, and within its own residential curtilage, the extension would nonetheless project beyond the existing linear form of the rear elevation and be prominent and more dominant than the existing elevation. I acknowledge that there are design features within the extension which aim to mitigate the impact on the setting of Mopes Farmhouse. However its current character and appearance as a rural subservient building akin to a barn conversion would be appreciably and harmfully undermined. As a result, its relationship as a building with a subordinate sense of scale and architectural style to Mopes Farmhouse would be diminished thereby causing harm to the setting of Mopes Farmhouse.
16. The extension would not be visible from Mopes Farm Cottages, and from my observations I consider that the setting of these buildings is mainly experienced from Denham Lane and as such is not affected by the extension which is to the rear of Orchard Cottage. Accordingly, the proposal would have a neutral impact on the setting of Mopes Farm Cottages.
17. The Framework states that where a development will lead to less than substantial harm to the heritage asset, this harm should be weighed against the public benefits of the proposal. Given the size of the proposed development relative to that of the listed building, it would result in less than substantial harm to the setting of Mopes Farmhouse. The proposal would have private benefits in the form of enlarged living accommodation for the occupiers of the property. However, these are not public benefits which would outweigh the totality of the harm to the heritage asset. Accordingly, the appeal proposal would fail to comply with national policy. It would also fail to comply with Policy LB2 of the Local Plan, details of which are given above.

Other considerations

18. I acknowledge that the proposal would provide enlarged additional facilities and enhance the layout within Orchard Cottage. I note that the proposal would be in matching materials. However, this is fundamental in good design. I note too that the Council has raised no concerns to the amenity of the occupiers of the adjacent property and that there are no objections from neighbours. However, these are not factors which weigh positively in favour of the proposal.
19. Paragraph 11 of the Framework states that the presumption in favour of sustainable development does not apply when specific policies in the Framework provide a clear reason for refusing the development. The footnote to this paragraph notes that the policies referred to include those that relate to land designated as Green Belt. In view of the harm to the Green Belt that I have identified, the presumption in favour of development is not engaged in this case.

Other Matter

20. I note the concern of the appellant's agent that the Council has unduly based its objections to the proposal on the existing building only having been granted as enabling development to allow for the restoration of the listed building at Mopes Farmhouse. However I have seen no evidence to indicate that the Council has failed to properly evaluate the application based on the merits of the proposal.

Conclusion

21. The proposal would constitute inappropriate development in the Green Belt and would reduce openness in this location. The Framework states that substantial weight should be given to any harm to the Green Belt. In addition, the proposal would cause harm to the character and appearance of the property and the area and to the setting of the listed building, Mopes Farmhouse. Even when taken together, the other considerations would not clearly outweigh the harm to the Green Belt or the heritage asset. Consequently there are no very special circumstances to justify the development. The development would therefore be contrary to Policy CS20 of the Core Strategy for Chiltern District, Local Plan Policies GB2, GB13, GC1, H15 and LB2 and guidance in the Framework relating to Green Belt and designated heritage assets.
22. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

K Winnard

INSPECTOR