



Appeal Decision

Site Visit made on 16 February 2021

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2021

Appeal Ref: APP/J0405/D/20/3264569

Beech Lodge Bacombe Lane, Wendover, Aylesbury, HP22 6EQ

- 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 Johann Rowan against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref. 20/01528/APP, dated 12 May 2020, was refused by notice dated 23 October 2020.
 - The development proposed is part two storey, part single-storey rear and side extension with associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal accords with the provisions of the development plan;
 - Whether the proposed extension, together with previous extensions added to the property, would constitute 'inappropriate development' in the Green Belt; and
 - If so, whether there are other considerations which clearly outweigh the harm caused by being inappropriate development so as to amount to very special circumstances.

Reasons

Background

3. The appeal site contains a detached two storey house in an 'Arts and Crafts' style which lies on its own to the north of Bacombe Lane in an area of countryside which forms part of the Chilterns Area of Outstanding Natural Beauty (AONB) and also lies within the Metropolitan Green Belt. The land rises from the lane and the property lies in an elevated position.
4. It is proposed to erect an 'infill' two storey extension to round off the present 'T' shape of the property. It is also proposed to form a new hall and storeroom at the rear at ground floor, the roof of which would be part of a new terrace at first floor and part of the garden would be raised to a similar level.

Policy context

5. The development plan includes the Council's Aylesbury Vale District Local Plan (AVDLP) (adopted in 2004) and the Wendover Neighbourhood plan made in February 2020. The relevant policy in the AVDLP is RA.18 which deals with extensions to dwellings in the Green Belt and sets out that such extensions will be permitted where they are not out of proportion or character with the original building and do not materially reduce the openness of the Green Belt.
6. This policy is broadly consistent with paragraph 145 of the National Planning Policy Framework (the Framework) which sets out that the construction of new buildings in the Green Belt is 'inappropriate development' unless one of the exceptions apply, the relevant one to this case being an extension or alteration that does not result in a disproportionate addition over and above the size of the original building. 'Original building' is defined in the Glossary to the Framework as a building as it existed on 1st July 1948 or if constructed after that date, as it was built originally. The consistency of saved Policy RA.18 with the Framework means that substantial weight should be afforded to it.
7. The emerging Vale of Aylesbury Local Plan 2013-2033 (VoALP) is also a material consideration. I understand that following examination, Main Modifications are proposed and of these Policy S4 is relevant to the case. The terms of the policy are based on paragraph 145 of the Framework but the relevant clause in this case, part (e) indicates that small-scale development proposals will be supported provided that the extension to the building is "not out of proportion with the original building, normally no more than 25-30% volume increase of the original building". Considerable weight has to be given to the policy given its advanced stage in the formal plan making process before adoption.

Accord with the development plan

8. There are two prongs to the main relevant Policy RA.18 concerning extensions to dwellings in the Green Belt and/or special landscapes. The first element indicates that an extension to a dwelling in the Green Belt may be permitted where it is not out of proportion or character with the original building or would reduce the openness of the Green Belt. The second prong relates to the need for the scale and form of the extension to have regard to the natural beauty of the AONB.
9. On the first element, the test of whether 'out of proportion' relates to the original building and subsequent extensions have to be taken into account. In this case the Council states that a two storey extension approved in 1992 added about 130m³ to the volume of the original dwelling of about 430m³. Whereas the present proposal would add a further 145m³ resulting in a cumulative amount of 710m³. On the figures presented by the Council, the proposal would increase the building volume of the original dwelling by some 60% (all figures rounded by me).
10. The appellant does not directly dispute the Council's assessment of the volume increase in the building but instead shows on drawing 1025-P05r an isometric comparison where the volume of increase is said to be 26%. However, this assessment is made against the *existing* house rather than the *original* building and ignores the volume of new building that would be created 'underground'. I am therefore not able to place much weight on this assessment.

11. The appellant also refers to various Court decisions which caution against the 'over-legalisation' of the planning process and indicate that Green Belt assessments should not be overly mathematical. Within this context a judgement still has to be made on what constitutes 'out of proportion'. In the absence of any specific guidance in the policy, the reasoned justification or explanatory text, or any related supplementary document, in my view an extension that adds more than half as much again to the original building should not be regarded as being in proportion to the original dwelling when expressed in terms of additional built volume. As such I find that this element of the policy is conflicted with.
12. Turning to the effect on the character of the property and on the openness of the Green Belt, the existing property has an attractive design with a 'T' shape form with a gable at each end and a main roof ridge parallel with the lane and a secondary ridge which includes the two storey extension already added. The proposed extension would have a similar sloping roof to what exists, and a large dormer in place of solar panels, but the infill extension would result in a large expanse of flat or 'crown' roof as shown on the isometric plan as referred to above. The elegance and visual projection of the gable end on the south-west facing elevation would be lost by the flush side wall of the extension and large dormer window in the roof. Moreover, this increased building bulk and crown roof form would detract from the basic 'Arts and Crafts' architectural form of the house, and I assess the scale of harm as moderate.
13. Regarding the effect on the openness of the Green Belt, I have considered both the spatial and visual dimensions. Taking account of the building bulk of the original property and that the rear two storey extension would be seen in the context of neighbouring wings of the building, I am satisfied that this addition would not materially reduce the openness of the Green Belt. The single storey extension would be underground but this takes advantage of the sloping land form and is not against the spirit of protecting openness.
14. In terms of the second prong of the policy regarding the effect on the special landscape, because of the elevated position of the property the in-fill two storey rear extension, flat roof element and ground remodelling would not be readily apparent from the lane. I do not consider that the increased building bulk would have a materially harmful effect outside of the environs of the site. Further the site is generally enclosed by trees and woodland and there would be little visual change to the property's setting in the wider AONB.
15. Overall on this issue, I find that while the proposed additions would not affect the openness of the Green Belt or harm the house's setting in the special landscape of the AONB, the proposal would conflict with Policy RA.18 as the form of the proposed extension would result in moderate harm to the character of the building and would result in a disproportionate addition to the original property taking into account the two storey extension previously added.
16. Although apparently not yet part of the development plan, as mentioned in paragraph 7 above, policy S4 (as proposed to be modified as per Main Modifications) of the emerging VoALP is a material consideration that carries significant weight. Part (e) of the policy is relevant in this case and it sets out a similar test of not being out of proportion with the original building. However, the policy goes on to define this as "normally no more than 25-30% volume increase of the original building." The proposal would materially

exceed this volume increase. Moreover, this policy carries significant weight due to its advanced stage through the examination process and it puts forward a similar limitation on extensions to buildings in the Green Belt and is akin to the judgement I reached in paragraph 11 above.

Whether inappropriate development

17. Section 13 of the Framework deals with protecting Green Belt land and indicates that inappropriate development should not be approved except in very special circumstances. The construction/enlargement of buildings should be regarded as inappropriate in the Green Belt unless one of the stated exceptions applies as set out in paragraph 145. The clause relevant to this appeal is (c) regarding where the extension or alteration of a building does not result in disproportionate additions over and above the size of the original property.
18. Neither the policy or Planning Practice Guidance (PPG) give an indication of what constitutes a disproportionate addition. However, in this case, having regard to the two storey addition already added, it is clear to me that the present proposal would add at least half as much again to the original property. As a matter of judgement, I find that this constitutes a disproportionate addition and the proposal has to be regarded as inappropriate development in conflict with the provisions of the Framework.

Planning and Green Belt balance

19. On the main issues I have found that the proposal conflicts with the development plan and emerging policy as well as relevant national policy principally on the ground that the proposed extension would amount to a disproportionate cumulative addition to the original dwelling and would constitute inappropriate development in the Green Belt as well as cause moderate harm to the character of the house. The conflict amounts to harm in itself but it has to be balanced with the other considerations in this case.
20. I note that the appellant feels that the Council has operated too blinkered an approach to its assessment of the scale of the addition. I have considered the proposal in the round and on its individual merits in relation to the relevant policy rather than on a strictly mathematical basis. Reference is made by the appellant to how other Council's may have approached the same issue, but I have to deal with the development plan that is applicable to the site and local emerging policy.
21. There is also reference to the scale of large extensions added to another property in the lane but it is not clear from the submission what the relative scale of the additions to the original dwelling were in that case or whether other very special circumstances applied. I am therefore not able to place much weight on this submission.
22. Finally, I have taken into account the appellants' desire to improve the home for their family to grow up and especially the need to add an additional bedroom and space to work in.
23. However, these other considerations, including the personal circumstances, are not exceptional and do not clearly outweigh the harm that I have identified arising from being inappropriate development and the conflict with local and national policy. Therefore, very special circumstances do not arise in this case.

The presumption in favour of the development plan is not outweighed by other factors. This indicates that the appeal should not be allowed.

Conclusion

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

David Murray

INSPECTOR