



Appeal Decision

Site visit made on 8 June 2021 by A J Sutton BA (Hons) DipTP MRTPI

by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2021

Appeal Ref: APP/N0410/D/21/3270219

Jasmine Lodge, Keen's Acre, Stoke Poges, SL2 4QA

- 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 Woods against the decision of Buckinghamshire Council.
 - The application Ref PL/20/0995/FA, dated 2 March 2020, was refused by notice dated 10 December 2020.
 - The development proposed is the construction of ancillary accommodation above the existing garage at Jasmine Lodge.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of ancillary accommodation above the existing garage, at Jasmine Lodge, Keen's Acre, Stoke Poges, SL2 4QA, in accordance with the terms of the application, Ref PL/20/0995/FA, dated 2 March 2020, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan Drawing No. SK100 and Proposed Plan and Elevations Drawing No. 102 Revision A.
 - 3) The external surfaces of the development hereby permitted shall be constructed in materials to match the existing building.
 - 4) The first floor accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Jasmine Lodge, Keen's Acre, Stoke Poges.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. I have made a minor change to the description of development proposed to avoid repetition and in the interest of clarity.
4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (Framework). Whilst I have had regard to the

revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issues

5. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy; and
- if identified as inappropriate development, the effect of the proposal 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 so as to amount to the very special circumstances required to justify the proposal.

Reasons for Recommendation

6. The Framework states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It requires, when considering any planning application, that substantial weight is given to any harm to the Green Belt.
7. Although predating the latest iteration of the Framework, the South Bucks District Local Plan (LP) includes policies that guide development in the Greenbelt which generally reflect the Green Belt policies of the Framework.

Whether Inappropriate Development

8. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework establishes that the construction of new buildings should be regarded as inappropriate. However, paragraphs 149 and 150 of the Framework identifies exceptions to this, which include, at paragraph 149 c) 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. This exception is generally reflected in Policy GB1 of the LP which permits limited extension, alteration, or replacement of existing dwellings, in accordance with policies GB10 and GB11 of the LP. Policy GB10 states, in the case of ancillary buildings within residential curtilages, the building together with any other ancillary buildings would be of a small scale in relation to the size of the dwelling and of a small scale in relation to the size of the residential curtilage.
10. The Framework does not define 'disproportionate'. However explanatory text for policy GB10 of the LP elucidates that extensions and alterations which would result in the original dwelling having increased its floorspace by more than half will not be regarded as small scale.
11. The explanatory text of policy GB10 also clarifies for the purposes of policy that original dwelling is defined as that which exists at 1 July 1948, or as

subsequently originally constructed (i.e. excluding replacement dwellings). This differs in some respects from the Framework's definition of original building which is '*a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally*'.

12. The appeal property is located on an unadopted road where the landform is relatively flat, and the few well-spaced properties are well screened by mature vegetation and high boundary fences. The detached garage, subject of this appeal, has a capacity for two vehicles, is located near the front boundary, by the lane, and is substantially screened by the fence and vegetation. It is one of two outbuildings on the front boundary of the appeal property which flank the dwelling. The other building also has a capacity to store two vehicles. It comprises a single storey open-sided, timber structure with a shallow roof form. Whilst these buildings are modest in scale, in relation to the large seven bedroomed dwelling they serve they are small and are set in a sizeable wedge shape plot which forms the residential curtilage.
13. The proposed development would add a first floor to the garage and would provide ancillary accommodation for the dwelling. The existing hipped roof would be altered to a pitched form with a dormer window on the western elevation. It would be 1 m higher than the existing structure. This small visual and spatial change would be visible above the fence when viewed from the lane, particularly when travelling in an easterly direction. The effect would be limited to the immediate area of the property given the presence of vegetation and the surrounding landform. There would also be an external spiral staircase at the side elevation, but this would only be evident within the appeal property.
14. The proposed increase in gross external area would be less than 50% of the existing area of the building. The increase in volume would also be significantly less than half of the current building. The footprint of the development would not be substantially different than that of the existing garage. It would be integral to and of a small scale in relation to the original dwelling and the residential curtilage. Moreover, whilst the small extension would enlarge the garage, the structure, together with the other outbuilding would remain small in relation to the large dwelling and residential plot. As such the proposal would comprise a small development that would not be a disproportionate addition to the existing building. Therefore, it would qualify as an exception as set out in paragraph 149 c) of the Framework and would not be inappropriate development in the Green Belt.
15. There is no requirement with this exception set out in the Framework or in policies of the LP to assess the proposal's effect on openness of the Green Belt. Nor is there a requirement for further consideration in respect to conflict with the purposes of Green Belt.
16. I therefore conclude that the proposal would not represent a disproportionate addition over and above the size of the original building for the purposes of paragraph 149 of the Framework, and therefore it would not be inappropriate development in the Green Belt. As such, it would accord with policies GB1 and GB10 of the LP in respect to this matter. Consequently, there is no conflict with the purposes of the Green Belt set out in paragraph 138 of the Framework. Accordingly, there is no need to consider whether there are other considerations which would amount to very special circumstances.

17. The Council has concluded that there would be no justification for refusal on purely design grounds and that the development would not appear an unduly prominent feature in the street scene. Conflict with Policies GB1, EP3 and GB10 in respect to adverse effects on the character or amenities of the Green Belt or the locality in general, have not been cited as reasons for refusal in this case. I observed nothing which would lead me to dispute this finding.
18. I also find no conflict with Policy 8 of the South Bucks Local Development Framework Core Strategy and Policies EP3, and H11 of the LP which collectively seek a high standard of design and permit development where its scale, layout, siting, height, design, external materials and use are compatible with the character and amenities of the site, adjoining development and the locality in general. It would also be consistent with policy H13 of the LP which requires, in respect to ancillary buildings, that amongst other matters, it would be used for purposes ancillary to the dwelling, would be very subordinate in scale to the existing dwelling and the proportion of the site remaining free from buildings would not decrease significantly.
19. I note explanatory text to policy GB10 indicates that all outbuildings sited within 5 m of the dwelling will be included in any calculations of the floorspace as extensions to the dwelling. However, whilst the garage is close to the dwelling there is nothing before me to confirm the distance and therefore this has not been a determinative factor in this case.

Other Considerations

20. The conservatory approved under the original planning permission¹ for the dwelling which has not been constructed has not been determinative for the reasons outlined above. I find it would not be necessary for the appellant to enter into a planning obligation unilaterally in respect to this matter. Regardless I do not have a signed planning obligation before me and therefore this matter is not relevant to this case.
21. The appeal property is approximately 2.5 kms from the boundary of Burnham Beeches Site of Special Scientific Interest which is also designated as a Special Area of Conservation (SAC). Legislation provides a strict system of protection for such sites with Regulations requiring decision makers to undertake an appropriate assessment where it is likely that development would have significant effects on the SAC.
22. The Burnham Beeches Special Area of Conservation Strategic Access Management and Monitoring Strategy Supplementary Planning Document (SPD) provides a presumption against development for additional homes within 500m of the boundary of the Beeches stating they are likely to cause harm from the additional human trampling and dog exercise to the Beeches.
23. The SPD also requires that homes built over 500m and up to 5.6km from the boundary of the Beeches will need to contribute financially to education, monitoring and survey projects, which are designed to reduce the harm to the Beeches. The intention is to directly manage and avoid impacts at source and educate visitor behaviour when visiting the SAC. Although the appeal property is within this defined area of control for the SAC, the proposal is for a small addition associated with an existing dwelling. Therefore, having regard to the

¹ Ref 09/01419/FUL

SPD and evidence before me, this requirement of the SPD is not applicable in this case and I am satisfied that given the nature of the proposal it would not have a likely significant effect on the SAC.

Conditions

24. Materials to match the existing building and the development to accord with approved plans are necessary for certainty and to protect the character and appearance of the area.
25. It is necessary to restrict the use of the building as incidental to the dwelling in accordance with policies of the LP which seek to ensure residential annexes remain ancillary to dwellings and do not form independent units, and, to protect the aim and purposes of the Green Belt.
26. Planning Practice Guidance advises that clear justification is required when attaching conditions that remove national permitted development rights. The development would not be close to a neighbouring dwelling or private garden space and the submitted drawings exclude opening on this eastern elevation. Therefore, a clear justification for removing permitted development rights does not exist in this case and such a condition would not be reasonable or necessary.

Conclusion and Recommendation

27. There are no material considerations, including the Framework, that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be allowed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

28. I have considered all the submitted evidence and agree that the appeal should be allowed.

Martin Seaton

INSPECTOR