



Appeal Decision

Site visit made on 2 November 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2021

Appeal Ref: APP/N0410/W/21/3275871

Old Stocks, Ellington Road, Taplow SL6 0BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Dan Williams against Buckinghamshire Council - South Area (South Bucks).
 - The application Ref PL/20/4271/FA, is dated 14 December 2020.
 - The development proposed is described as, "Two storey side extension, alterations to roof and loft conversion".
-

Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matter

2. Since the appeal responds to the Council not having determined the application, there is no decision notice. Nonetheless, they have stated it would have been refused. The reasons for which have informed the main issues of the appeal.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the living conditions of neighbouring occupiers, with particular reference to outlook and light;
 - the effect of the proposal on protected species; and
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether Inappropriate Development

4. The National Planning Policy Framework (the Framework) establishes that the construction of new buildings within the Green Belt is inappropriate. There is a closed list of exceptions to this in paragraph 149 of the Framework. One of

which relates to 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. Policy GB1 of the Local Plan provides a number of categories where planning permission may be granted for development in the Green Belt. Category (e) in Policy GB1 relates to the limited extension, alteration or replacement of existing dwellings, in accordance with Policies GB10 and GB11 of the Local Plan.

5. Policy GB10 of the Local Plan provides that, amongst other things, extensions to existing dwellings in the Green Belt will normally be permitted provided that the extension together with any earlier extensions, would be of a small scale, in relation to the size of the original dwelling. The supporting text to Policy GB10 provides that, amongst other things, in assessing proposals the Council will take into account all previous extensions to the dwelling, and that extensions or alterations which would result in the original dwelling having increased its floorspace by more than half will not be regarded as small scale. The text of Policy GB1 and Policy GB10 (including its supporting text) augment that found in the Framework, but in relation to the aspects which fall within the ambit of this appeal, are broadly consistent with the Framework.
6. Part of the proposed second floor would utilise the existing attic space. However, the proposed second floor would be constructed by raising the ridge height of the dwelling, which would increase its volume, bulk and massing. Furthermore, part of the proposed bedroom 4 would be composed of the 2-storey side extension. As the use of the proposed second floor for habitable purposes would increase the size of the dwelling, it is reasonable to take its uplift in floor area into account. Similarly, the appellant's alternative floor area calculation does not appear to take account of the total floor area proposed for the second floor, despite the proposed increase in size to the dwelling to accommodate it.
7. Accordingly, my assessment has been made on the basis of the figures provided by the Council in their appeal statement, which show an increase of approximately 64.9% in floor space over and above the size of the original building. This is clearly a substantial increase in size, and is in excess of that contemplated by the supporting text to Policy GB10. Furthermore, the proposed 2-storey side extension would result in a significant increase in bulk and massing when compared to the original building.
8. I therefore find that the proposal would result in a disproportionate addition over and above the size of the original building. Accordingly, the proposal would conflict with paragraph 149 c) of the Framework. Hence, the proposal would constitute inappropriate development in the Green Belt for the purposes of the Framework. Inappropriate development is, by definition, harmful to the Green Belt.

Openness

9. The Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.

10. The proposal would increase the size and massing of the dwelling, including via the loft conversion which would be achieved via the erection of the proposed 2-storey side extension. This noticeable change to the appearance of the appeal property would be visible from the access road leading to the site and from the grounds of Riverlea Bungalow. As such, the openness of the Green Belt would be reduced in both visual and spatial terms. The resulting harm to the Green Belt in this way would be in addition to the harm I have identified in regard to the first main issue.

Living Conditions

11. Riverlea Bungalow is situated immediately to the west of the appeal site. A fence and a hedge separates the 2 properties, but above these outlook is available from all the side windows at Riverlea Bungalow towards the site. Nevertheless, views from several of the side windows at Riverlea Bungalow are somewhat obscured by the existing side elevation of the appeal property, although a less encumbered level of outlook is available from the first-floor bedroom window.
12. The parties do not agree on the exact figure, with respect to the flank-to-flank distance that would result via the proposed 2-storey side extension. However, they are broadly similar. The proposal would not breach the 45-degree and 60-degree rules cited by the appellant and would not cause any issues with respect to overlooking. The proposal would result in an expanse of built form very close to the side windows of Riverlea Bungalow. The proposal would also raise the ridge height of the dwelling by a material degree. The resulting tall and wide mass so close to the side windows of Riverlea Bungalow would have an imposing and overbearing effect when viewed from those windows. This would make the affected living areas at Riverlea Bungalow much less pleasant to use, accordingly reducing the quality of the outlook for occupiers.
13. The proposal would also likely result in a loss of light to the same living areas and the hallway at Riverlea Bungalow, but considering the extent of the increase in the ridge height at the appeal property, and the flank-to-flank distance involved, any loss of light would likely be limited. Nevertheless, this would not make the harm I have found in regard to outlook acceptable.
14. The proposal would therefore have an unacceptable and harmful effect on the living conditions of the occupiers of Riverlea Bungalow, with particular reference to outlook. In this respect, the proposal would conflict with Policies EP3 and H11 of the Local Plan, which collectively provide that, amongst other things, proposals to alter and extend existing residential dwellings will only be permitted where the extension would not adversely affect the amenities of any adjacent properties.

Protected Species

15. The Council have referred to a lack of information provided with respect to the potential effect of the proposal on protected species. In this regard, they have highlighted the proposed changes to the roof of the existing dwelling, including the addition of a raised roof, and the ecological potential of the site. However, the appellant has asserted that the existing dwelling is roofed with interlocking concrete tiles and enclosed eaves and soffits, and that the garage (to be demolished) has a flat felt roof, which prevents any habitats being established.

Similarly, the Ecology and Trees Checklist confirms that no protected species have been known to use the appeal site.

16. Taking all this into account, I consider that there is not a reasonable likelihood of species being present on site. Furthermore, I note that the proposed works would not extend beyond the existing decking area at the rear of the site, leaving the rear garden at the site largely unaffected, meaning that the proposal would have a limited effect on the ecological potential of the wider site.
17. I therefore find that the proposal would have an acceptable effect on protected species. As such, it would comply with Core Policy 9 of the Core Strategy¹, which, amongst other things, seeks to avoid harm to nature conservation interests. It would also comply with the Framework, the Planning Practice Guidance, Circular 06/2005, and The Conservation of Habitats and Species Regulations 2017 (as amended) which, amongst other things, collectively seek to conserve and enhance the natural environment.

Other Considerations

18. The appellant has referred to the potential exercise of permitted development rights under Class AA and Class B of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, the appeal site is within the Taplow Riverside Conservation Area (conservation area), where such development is not permitted by AA.1(b)(i) of Class AA and B.1(f) of Class B. Consequently, neither of these considerations weighs in favour of the proposal.
19. The significance of the conservation area, as a whole, as a designated heritage asset is derived in part from its abundance of properties which exhibit a high standard of architectural design, including a number which incorporate similar fenestration arrangements. The site's positive contribution to the conservation area derives in part from its scale, which complements its surroundings, and from its attractive brickwork. As the proposal would not drastically increase the scale of the property, and the proposed materials would be acceptable, I am satisfied that the proposal would preserve the character and appearance of the conservation area. Thus, there would be no harm to its significance as a designated heritage asset. The preservation of the character and appearance of the conservation area is a neutral factor, which does not weigh in favour of the proposal.
20. The Council provided a favourable written response to the appellant's request for pre-application advice. I note that the pre-application advice mentioned the officer's opinion was provided on a 'without prejudice' basis, and subsequently the Council has indicated that the resulting application would have been refused. Accordingly, this is a neutral matter, which also does not weigh in favour of the proposal.
21. The Council has not raised any concerns with respect to flooding, private amenity space, parking, nor the design of the proposal in its wider context (including the proposed materials and the development of the roof space). Taking account of the Flood Risk Assessment and Flood Resilient Measures document, I have no evidence before me that points to a different conclusion.

¹ South Bucks Core Strategy 2011

All these matters are a lack of harm in each case and denote compliance with the development plan. Accordingly, they do not weigh in favour of the proposal.

22. I note the similarities between the appeal proposal and the previous unimplemented grant of planning permission Ref 12/01951/FUL, which was assessed by the Council under the same Local Plan as the proposal now before me. Nevertheless, the period for commencement for that permission has expired, meaning that it is not a valid 'fall-back' position. Furthermore, the fact that the Council granted planning permission for that development, and for the implemented permission Ref 15/00254/FUL, does not alter my assessment for this particular appeal, which is based on my observations and the totality of the evidence before me. Consequently, this matter attracts only limited weight in support of the proposal.
23. The proposal would improve the living accommodation available to the appellant. However, as this would mainly be a private benefit, this consideration has also been given limited weight.

Other Matters

24. The Council refer to Policy GB11 of the Local Plan and Core Policy 8 of the Core Strategy. However, they relate to the rebuilding of dwellings and schemes not concerned with living conditions. The policies are not therefore directly relevant to my findings on the main issues. Notwithstanding this, the development plan policies I have cited are more than sufficient for me to make a determination on the appeal scheme in regard to it.
25. The appellant has referred to alleged difficulties in contacting the Council's planning officer during the processing of the application, but this is a matter that they should take up directly with the Council.

Planning Balance

26. Whilst I have found the proposal to be acceptable in terms of protected species, this is a lack of harm which would, by definition, be incapable of weighing against the harm I have found in relation to the inappropriateness of the proposed development in Green Belt terms, how it would unacceptably reduce the openness of the Green Belt, and the living conditions of the occupiers of Riverlea Bungalow.
27. The Framework makes it clear at paragraph 148 that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, in this case the living conditions of neighbouring occupiers, is clearly outweighed by other considerations.
28. Cumulatively, I attach limited weight to the other considerations that have been advanced. As such, they do not clearly outweigh the harm to the Green Belt and the harm to the living conditions of the occupiers of Riverlea Bungalow. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development would not therefore accord with the Green Belt aims of both Policies GB1 and GB10 of the Local Plan, or the Framework as set out above.

Conclusion

29. I have found that the appeal scheme would conflict with the development plan for the reasons I have given. There are no other relevant material considerations, including the approach in the Framework and worthy of sufficient weight, that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

Alexander O'Doherty

INSPECTOR