
Appeal Decision

Site visit made on 7 December 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/K0425/D/21/3274150

The Stables, Downley Common, Downley HP13 5YN

- 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 Mrs V Kelly against the decision of Wycombe District Council.
 - The application Ref 20/08423/FUL, dated 16 December 2020, was refused by notice dated 12 February 2021.
 - The development proposed is the erection of a single storey garage and storage shed.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 20 July 2021, a revised National Planning Policy Framework (the Framework) was published, and main parties were consulted on this matter. The Council has recently granted planning permission for a shed that is different in design and siting to that under the appeal proposal. On my site inspection, there was an incomplete and temporary shed on the site. It has not been considered as part of the appeal proposal before me.

Main Issues

3. The site is within the Green Belt and so the main issues are:
 - whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and the Development Plan;
 - the openness of the Green Belt;
 - character and appearance of the area, having regard to Downley Common Conservation Area and the Chilterns Area of Outstanding Natural Beauty;
 - if the proposal is inappropriate development, whether 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 appeal site comprises a former garage that has been converted into a dwelling, a drive leading to it, and a garden, mainly laid out as lawn, to the side and rear. The dwelling has accommodation at the ground floor and first floor within its roof. There is a drop in ground levels between the road to the front and the bottom of the garden. At the bottom of the garden, there is the partially constructed shed. The site has been subdivided from a dwelling located to the north. The garage originally served this dwelling.
5. The Framework establishes that new buildings or development are inappropriate development unless they fall within listed exceptions. One such 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. In relation to the proposal, this is the most relevant exception, but it does not explicitly deal with new outbuildings within the curtilage of a dwelling. In this respect, Policy DM43 of Wycombe District Local Plan (LP) 2019 indicates that any new outbuildings in this location within the Green Belt must meet certain criteria. Relevant criteria are that the volume of new outbuildings must not exceed 25% of that of the original dwelling, and not exceed a 140 cubic metres limit.
6. Main parties have agreed that the garage has a volume of 138 cubic metres and the shed 76 cubic metres. They disagree over the volume of the original dwelling, the converted garage, and hence the 25% volume limit for new outbuildings. In effect, the Council indicate the permissive limit should be 79 cubic metres whilst the appellant indicates 108 cubic metres. However, the cumulative volume of the garage and shed, approximately 214 cubic metres, would exceed the appellant's derived 25% volume limit in any case. Additionally, the total volume of both would significantly exceed the 140 cubic metres volume limit. Consequently, the development would not meet the criteria under LP Policy DM43 on this basis.
7. Under LP Policy DM43, extensions to dwellings are permitted. There is a wall and gate linking the dwelling and garage, and the flank of the garage would be approximately 3.2 metres from the dwelling. In respect of extensions, Part 1(e) of LP Policy DM43 requires the total volume of the resulting building being no more than the volume of the original building plus 50%. If the garage was considered an extension, there would be compliance with this criterion. However, the policy makes an explicit differentiation between outbuildings and extensions which indicates that detached buildings cannot be considered as extensions. The main part of the garage would be a separate building as it lacks meaningful built connection to the dwelling. As there would be two buildings, the proposal would also not comply with the wording of the policy where it refers to resulting building. For all these reasons, this part of LP Policy DM43 is not applicable.
8. In respect of the Framework exception, even if the garage was considered an extension, it would be disproportionate. Taking into account the appellant's higher figure for dwelling size, the garage would still be substantial in comparison. The garage's footprint would be significant compared to that of the dwelling, approaching three-quarters of it. The width and depth of the garage would be greater than three-quarters of that of the dwelling. As

indicated, its volume would be greater than 25% of that of the dwelling, taking the appellant's figures. Therefore, the garage would be disproportionate compared to the existing dwelling even if this Framework exception was considered applicable.

9. In conclusion, the proposal would result in inappropriate development under LP Policy DM43 and the Framework for all the reasons indicated.

Openness

10. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Additionally, LP Policy DM43 requires the erection of an outbuilding to respect the open character of the Green Belt.
11. The cumulative addition of the garage and shed would result in significant volume and extent of development. Neither of the buildings would be modest in size. Although flat-roofed, the garage would be extensive in footprint, width, depth and volume. Similarly, the shed would also be large and both buildings would be in open areas within the curtilage of the dwelling.
12. The garage and shed would be screened from the road by the existing boundary fence. Nevertheless, openness has a spatial as well as visual dimension which this development would harm by reason of its extent. Despite the lower ground levels of the site compared to the road, the loss of openness would also be evident from the open nature of the access leading into the site. Thus, there would be a small harmful loss in openness within the Green Belt in conflict with Framework policy and LP Policy DM43.

Character and appearance

13. The appeal site and its surroundings lie within the Downley Common Conservation Area and the Chilterns Area of Outstanding Natural Beauty. The shed would be located close to a boundary tree with significant public visual amenity.
14. The Downley Common Conservation Area mainly comprises groups of older traditional dwellings mainly in rows within semi-naturalised surroundings. Many dwellings are accessed by well-used tracks and roughly laid out car parking areas provide people with general access to the area. There is a cricket ground within the middle of the Conservation Area. The openness of the area, its landscaping and the gently undulating nature of the terrain are attractive qualities of the area. It is these historical and architectural qualities that are importance and contribute to its significance, and its special interest. Although the converted dwelling is a more modern addition to the area, the undeveloped and verdant qualities of its curtilage contribute positively to the semi-rural character and appearance of the Conservation Area.
15. Both large buildings would be flat roofed significantly at odds with the pitched roofs on the traditionally designed and older buildings that define the roofscape of the Conservation Area. Additionally, the shed would be sited close to a significant tree and in the absence of any evidence to the contrary, it has not been demonstrated that the shed would not endanger it through damage to its roots. Any loss would have an adverse impact on the character and appearance of the Conservation Area.

16. There are construction techniques available that seek to avoid having to damage tree roots and that this can often be ensured by an appropriately worded planning condition. However, there must be certainty that such techniques will work before imposing such a condition. In this instance, there are no details before me to be able to confidently indicate that such a condition would be successful in its purpose. For all these reasons, there would be an adverse impact on the semi-rural environment of the area and site. The proposal would fail to preserve the character and appearance of the Conservation Area as a whole.
17. Both the garage and shed would be screened by the fence boundary treatment alongside the road leading to the site. However, it would be visible through the entrance into the site and from neighbouring properties. Furthermore, the lack of public visibility would not be the only consideration in judging the acceptability of the scheme on character and appearance. In this respect, the argument that a development would not be seen and would therefore lead to no harm, takes no account that good design is about creating better places for people to live and work. Here, the flat roofed roofs would be particularly unsympathetic to local character and history given their extent. The appellant is willing to agree to a 'green roof' but even if this occurred, they would remain extensively flat out of keeping with the area.
18. In accordance with the Framework, the type of harm identified above to the Conservation Area would be less than substantial. It is necessary that this identified harm is weighed against the public benefits of the proposal. The existing property would be improved but this would be primarily a private benefit and therefore, it would have a limited public benefit. The development would harm the character and appearance of the Conservation Area. Considerable importance and weight are attached to the desirability of preserving the character and appearance of the Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The buildings would affect the heritage asset's significance and the benefits would be limited and thus, the heritage harm would be overriding for this reason.
19. The appeal site is also located within the Chilterns AONB. Under the Framework, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection. Much of the scenic beauty of the AONB is derived from traditionally historic villages such as this. There would be a small, localised harmful impact on the AONB due to the incongruous flat roofed nature of the garage and shed.
20. For all these reasons, the development would harm the character and appearance of the area. Accordingly, the proposal would conflict with Policies DM30, DM31, DM32, DM34 and DM36 of the LP.

Other considerations

21. Within a rural context, the village would represent a large built-up area and the proposal would fail to check the unrestricted sprawl conflicting a purpose of the Green Belt. Notwithstanding this, the proposal would conflict with the fundamental aim of Green Belt policy in preventing urban sprawl by keeping land permanently open. As indicated, the improvement to the dwelling would be a limited public benefit.

22. Planning permission has been recently granted for a differently designed and sited shed which is different to that considered here. Additionally, the appeal proposal involves a garage. Consequently, there are material differences between this permission and the proposal before me. In any case, every proposal has to be considered on its particular planning merits.

Conclusion

23. The proposal is inappropriate development in the Green Belt which is by definition harmful. There is harm due to the loss in the openness of the Green Belt, albeit small. The Framework establishes substantial weight should be given to any harm to the Green Belt. Cumulatively, the weight of considerations in favour of the development would not be great. For these reasons, 'Very special circumstances' do not exist as the harm to the Green Belt by reason of inappropriateness and other harms are not clearly outweighed by other considerations.
24. There would be harm to the Green Belt, a heritage asset and AONB in conflict with LP policies and there would be a conflict with the development plan taken as a whole. There are no material considerations to outweigh that finding. Therefore, for the reasons set out above, this appeal is dismissed.

Jonathon Parsons

INSPECTOR