



Appeal Decision

Hearing held on 1 March 2022

Site visit made on 1 March 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2022

Appeal Ref: APP/N0410/W/21/3280468

Lamont House, River Road, Taplow, SL6 0BG

- 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 and Mrs Rowley against the decision of Buckinghamshire Council.
 - The application Ref PL/21/1170/FA, dated 15 March 2021, was refused by notice dated 23 July 2021.
 - The development proposed is demolition of the existing dwelling and erection of a new dwelling with a detached garage building with a swimming pool in the grounds and associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing dwelling and erection of a new dwelling with a detached garage building with a swimming pool in the grounds and associated parking and landscaping at Lamont House, River Road, Taplow, SL6 0BG in accordance with the terms of the application, Ref PL/21/1170/FA, dated 15 March 2021, subject to the conditions set out in the attached schedule.

Applications for costs

2. An application for an award of costs was made by Mr and Mrs Rowley against Buckinghamshire Council. This application is the subject of a separate decision.

Preliminary Matter

3. I have taken the description of development from the appeal form, as the proposed development was amended during the course of the application to omit the proposed studio over the detached garage building.

Background and Main Issues

4. The site is in the Green Belt, and the main issue is therefore whether the appeal proposal would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies.

Reasons

5. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt. It further states that the construction of new buildings in the Green Belt should be regarded as inappropriate, other than for certain exceptions. Among these exceptions is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

6. The South Bucks District Local Plan (the LP) was adopted in March 1999 and significantly predates the Framework. Paragraph 219 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Rather, due weight should be given to them according to their degree of consistency with the Framework. In this instance, Policy GB1 of the LP sets out a list of developments that would be considered acceptable in the Green Belt. While the list is not entirely consistent with the exceptions identified in the Framework, it does allow for the limited extension, alteration or replacement of existing dwellings, in accordance with LP Policies GB10 and GB11.
7. Policy GB11 of the LP states that the rebuilding of existing habitable dwellings in the Green Belt will only be permitted where, amongst other criteria, the size of the replacement dwelling would be no greater than that of the original dwelling plus any extensions which would comply with the terms of policy GB10. Policy GB10 of the LP states that extensions to dwellings in the Green Belt will normally be permitted subject to specific criteria, which include that the extension together with any earlier extensions, would be integral to, and of a small scale, in relation to the size of the original dwelling. The supporting text to Policy GB10 states 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.
8. Taken together these policies and the supporting text provide a clear indication of the scale of enlargement acceptable in principle for a replacement dwelling. They are more prescriptive than the Framework, but broadly consistent with the fundamental aim of Green Belt policy to keep land permanently open. Accordingly, they attract moderate weight but the Framework carries greater weight in the determination of this appeal.
9. The proposed development involves the construction of two new buildings. The replacement dwelling would occupy much the same footprint as the existing dwelling. It would be of a similar height, although bulkier as it would be a full two storeys with a flat roof and therefore the eaves would be higher than those of the existing chalet bungalow. However, as the overall massing of the proposed and existing buildings would be similar and they would share the same footprint, the replacement dwelling would not itself be materially larger than the existing.
10. The proposed garage would be seven metres from the dwelling. The supporting text to Policy GB10 of the LP states that all outbuildings or structures erected since the original dwellinghouse was built, and sited within 5 metres of the dwelling, will be included in any calculations of the floorspace as extensions to the dwelling. However, I do not consider this to mean that any outbuilding or structure further away cannot be considered part of the dwelling. In the case of *Sevenoaks District Council v Secretary of State for Environment & Dawe* [1997] EWHC 1012 (Admin) it was found that a domestic garage can be part of a dwelling as a domestic adjunct, and that physical separation does not prevent them from being part of the dwelling. It is therefore a matter of judgment whether the proposed garage forms part of the dwelling for the purpose of determining whether the appeal proposal would be inappropriate development.
11. The garage would be a significantly smaller building than the replacement dwelling, at a single storey in height and with a much smaller footprint. It would lie beyond the house as approached from the site entrance and would be

seen as a subordinate structure both in terms of its size and siting. The physical relationship between the house and garage would not be an unusual one, and the garage would be finished primarily in red brick to match the ground floor of the replacement dwelling. The garage would therefore form part of the dwelling for the purpose of determining whether the appeal proposal would be inappropriate development.

12. The Framework does not provide a definition of what constitutes a materially larger replacement building. However, as set out above, when taken together LP Policies GB10 and GB11 indicate that an increase of up to half the floorspace of the existing dwelling would be acceptable in principle. The Council and appellant agree that the proposed development, including the new garage, would result in around a 28% increase in floorspace, and I see no reason to doubt that this is accurate. While there is some dispute between the Council and the appellants as to the overall increase in volume, the maximum increase suggested including the garage would be 41% over the existing building.
13. While mathematical calculations are not definitive in determining whether a replacement building would be materially larger, they do provide an indication of the overall scale of development. In this instance, the replacement dwelling would be of a similar scale to the existing, and the garage would be a relatively modest building that would be clearly subordinate to the house, and which would not be close to any boundary of the appeal site. The appeal site is set back from River Road, and well-screened from surrounding properties by the established trees and other planting along the boundaries with neighbouring houses. The appeal proposal would not result in a significantly more prominent development on the site, and the replacement dwelling and garage would not be disproportionate in size having regard to the size of the appeal site. The replacement dwelling, including the garage, would consequently not be materially larger than the one it replaces.
14. The appeal proposal would therefore not be inappropriate development in the Green Belt, so would accord with the requirements of the Framework and of LP Policies GB1, GB10 and GB11, the requirements of which are set out above.

Other Matters

15. The appeal site is adjacent to a Conservation Area (the CA). In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special regard to the desirability of preserving or enhancing the character or appearance of the CA. The appearance of the appeal proposal would be acceptable and in keeping in the wider context of the River Road street scene, which comprises a mix of properties each of individual character and appearance. The appeal proposal would not therefore be harmful to the CA or its setting, so would preserve both its character and its appearance.
16. There are bat roosts within the existing building. Circular 06/2005 requires that regard is had to the tests set out in the Habitat Regulations relating to the destruction of such roosts when determining planning appeals. Of these, the proposed development would accord with the test of preserving public health or public safety as it would provide a replacement dwelling on the site which would not be at risk of flooding. Mitigation measures such as the provision of bat boxes in trees on the site and the inclusion of crevice roosting spaces in the dwelling are proposed as part of the development. These can be required by condition and would ensure that the development would not be detrimental to

bats overall. I therefore consider it likely that a licence for the destruction of the existing roosts would be granted.

Conditions

17. I have had regard to the conditions suggested by the Council and, where appropriate, amended the wording in accordance with national Planning Practice Guidance. I have imposed the standard condition requiring commencement of the approved development within three years (1), and one specifying the approved plans (2) for the sake of certainty. I have further imposed a condition requiring approval of the external materials of construction (3) to ensure high quality materials are used in this development.
18. A condition requiring the protection of trees on site (4) is necessary to ensure their continued contribution to the character of the site and area.
19. I have imposed a condition requiring that a European Protected Species Mitigation Licence be obtained (5) before any works commence on site. This is to ensure that the loss of established bat roosts in the existing building would not cause unacceptable harm to these protected species. Further conditions require the carrying out of the approved development in accordance with the recommendations of the submitted Bat Activity Survey Report (6) and that it deliver other biodiversity enhancements (7). This last requires submission and approval of details prior to the commencement of development to ensure that all agreed measures are implemented at the appropriate time.
20. The site falls within Flood Zone 2. Flood risk mitigation measures are therefore required, and condition (8) requiring compliance with the measures outlined in the submitted Flood Risk Assessment is therefore imposed.
21. The appeal site is next to a site where previous archaeological investigations have uncovered human and animal remains. As the appeal proposal would involve significant excavations in a previously undeveloped area of the site, it could compromise other significant archaeological remains. Accordingly, a condition requiring a programme of archaeological work prior to development of the swimming pool (9) is reasonable and necessary.
22. I have considered whether a condition restricting the new dwelling's permitted development rights is justified. Condition GB11 of the LP states that these rights may be restricted where a larger replacement dwelling is granted permission. However, the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. I am also mindful that permitted development rights are not removed from properties in the Green Belt in the Town and Country Planning (General Permitted Development) (England) Order 2015. As I have found that the appeal proposal would not be inappropriate development in the Green Belt, I do not therefore consider it necessary to remove these rights.

Conclusion

23. For the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR

Appearances

FOR THE APPELLANT

Mrs Fiona Jones	Cameron Jones Planning
Mrs Kate Cooper	Absolute Architecture
Mr Gareth Talbot	Absolute Architecture
Mr Geoff Rowley	Appellant

FOR THE COUNCIL

Mr Matthew McKane	Planning Officer
Mr Richard Reagan	Principal Planning Officer

INTERESTED PARTIES

Mr George Sandy	Councillor
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Schedule of conditions: APP/N0410/W/21/3280468

Lamont House, River Road, Taplow, SL6 0BG

1. The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice.
2. The development to which this planning permission relates shall be undertaken solely in accordance with the following drawings:
 - 418 001 Rev A Location plan
 - 418 002 Rev A Existing site plan
 - 418 003 Rev A Existing ground floor
 - 418 004 Rev A Existing first floor
 - 418 005 Rev A Existing elevations
 - 418 006 Rev A Existing site sections
 - 418 013 Landscape strategy
 - 418 040 Rev B Proposed block plan
 - 418 050 Rev A Proposed ground floor
 - 418 051 Rev A Proposed first floor
 - 418 052 Rev A Proposed roof plan
 - 418 060 Rev A Proposed elevations (north west and south west)
 - 418 061 Rev A Proposed elevations (south east and north east)
 - 418 062 Rev B Proposed garage
 - 418 063 Rev B Proposed site sections
 - 418 064 Form analysis
 - 418 065 Massing analysis
3. No development above ground level shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. No works or development (including for the avoidance of doubt any works of demolition) shall take place until a tree constraints plan and method statement (in accordance with British Standard 5837:2012 'Trees in relation to design, demolition and construction' (or any replacement thereof)) has been submitted to and approved in writing by the Local Planning Authority. The method statement shall provide, as required, details of a no dig driveway; phasing of demolition and construction operations; siting of work huts and contractor parking; areas for the storage of materials and the siting of skips and working spaces; the erection of scaffolding. Protective fencing detailed in the method statement shall consist of a vertical and horizontal scaffold framework, braced to resist impacts, with vertical tubes spaced at a maximum level of 3m. On to this, weldmesh panels shall be securely fixed with wire scaffold clamps. The fencing shall be erected to protect existing trees and other vegetation during construction and shall conform to British Standard 5837:2012 'Trees in Relation to Construction' or any replacement thereof. The approved fencing shall be erected prior to the commencement of any works or development on the site including any works of demolition. The approved fencing shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced area without prior written agreement from the Local Planning Authority.

5. No works of site clearance, demolition or construction shall take place until a European Protected Species Mitigation Licence has been granted by Natural England. A copy of the licence is to be provided to the Local Planning Authority.
6. The approved development must be carried out in accordance with the recommendations of the Bat Activity Survey Report by Syntegra Consulting (dated July 2021), submitted in support of this application, and retained in perpetuity with the proposed development thereafter.
7. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme will include details of landscape planting of known benefit to wildlife and provision of artificial roost features, including bird and bat boxes and refugia for species including Hedgehog. The development shall thereafter be carried out in accordance with the approved details.
8. The proposed development shall be constructed in accordance with the details submitted within the document Flood Risk Assessment by Syntegra Consulting (dated March 2021) and retained in perpetuity with the proposed development thereafter.
9. No development of the swimming pool shall take place until the applicant, or their agents or successors in title, have implemented a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.