



Appeal Decision

Site visit made on 17 May 2022 by C Glaister BSc (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2022

Appeal Ref: APP/X0415/D/22/3291288

Roughwood Lodge, Nightingales Lane, Chalfont St Giles HP8 4SJ

- 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 & Mrs Strang against the decision of Buckinghamshire Council.
 - The application Ref PL/21/3917/FA, dated 6 October 2021, was refused by notice dated 1 December 2021.
 - The development proposed is described as "Two storey rear extension, first floor extension over living room and raising of roof".
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Decision

1. The appeal is dismissed.

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.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (2021) (the Framework);
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on biodiversity; 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 for the Recommendation

Inappropriate Development

4. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 states that the construction of new buildings should be regarded as inappropriate in the Green Belt, with the exception of, among other things, 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. The Framework defines 'original building' as the building as it existed on 1 July 1948 or, if constructed after this date, as it was built originally. Policies GB2 and GB13 of the Chiltern District Local Plan (the Local Plan) and the Residential Extensions and Householder Development Supplementary Planning Document (SPD) are consistent with the policy provided in the Framework. Policy GB13 also requires extensions to be subordinate to the size and scale of the original dwelling.

5. The property is a modest dwelling consisting of a ground-floor, and a first-floor habitable space in the roof. The site is located on Nightingales Lane, set behind fencing and vegetation, in an area where buildings are generally few and far between. The property has been extended in the past, and according to the Council, this has amounted to a 300% increase in the floor area from the original building. The Council also suggests that these extensions in combination with the current proposal would equate to a 450% total increase. The appellant has not disputed these figures. There is no strict definition provided in the Framework or local policy for what constitutes a disproportionate addition. However, the two-storey extension to the rear, the first-floor extension, and the raising of the roof would nevertheless significantly increase the size of the property in visual terms, and with regard to the overall floor space, far beyond the original building.
6. The proposal, in combination with the previous extensions, would represent disproportionate additions over and above the size of the original building, and would fail to appear subordinate to the size and scale of the original dwelling. Accordingly, the development would result in harm to the Green Belt. Paragraph 148 of The Framework instructs that substantial weight should be given to any harm to the Green Belt, and 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, is clearly outweighed by other considerations.

Openness

7. The front of the property is adjacent to the road, and together with the southern side, is generally enclosed by vegetation. The area to the rear of the site is much more spacious, and open fields spread out to the northeast. Although the development would be largely obscured from public views, and the rear extension would occupy an area of existing hard surfacing, in extending the property as proposed, the development would invariably have an effect on the openness of the Green Belt. However, despite representing a significant addition to the property from what it was originally, the effect on openness would be limited, given the scale of the development relative to the surrounding area.
8. Although the harm would be limited, the proposal would nevertheless be detrimental to the openness of the Green Belt.

Biodiversity

9. It is important that proposals likely to affect biodiversity contain adequate information to effectively evaluate the impacts. Policy CS24 of the Core Strategy for Chiltern District (November 2011) (the Core Strategy) seeks to ensure ecological interests are safeguarded and that biodiversity is protected.

The Council have indicated that the site is within an area likely to contain bats. As it is currently unclear whether or not bats would be affected by the works proposed to the roof, a survey providing further information would be necessary. It is not necessary for local policy to specifically require surveys for them to be appropriate in certain instances. A survey would be required to ascertain whether certain methods of mitigation would be appropriate, and the installation of bat or bird boxes would not therefore effectively secure the conservation or enhancement of biodiversity with the information currently provided.

10. For these reasons, the proposal would fail to ensure biodiversity is conserved. It would therefore be contrary to Policy CS24 of the Core Strategy. It would also fail to align with the Framework and its aim to minimise impacts on biodiversity.

Other Considerations

11. The proposal would provide a more usable space within the property by improving the layout, and would better serve the appellant's family and the particular needs of their child. Careful consideration has been given to these circumstances, however, given that they are largely personal benefits they hold limited weight. The development would also offer some visual improvements to the property as a whole. However, these improvements would be minor, and are therefore given limited weight. The repairs required to the property could be achieved by means other than the proposal.
12. The Council have not found harm with respect to the character and appearance of the area, and there is no reason to suggest a different view should be reached in this appeal. Policy CS20 of the Core Strategy for Chiltern District (November 2011) largely pertains to the design of development and is not therefore directly relevant to the issues that have been identified.

Conclusion and Recommendation

13. The proposal would be inappropriate development in the Green Belt and would be detrimental to openness. It would also fail to ensure biodiversity is conserved. It would therefore conflict with the Framework, and the aims of Policies GB2 and GB13 of the Local Plan, Policy CS24 of the Core Strategy, and the SPD. The other considerations do not clearly outweigh these harms, and the very special circumstances necessary to justify the development do not therefore exist. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

C Glaister

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR