

Appeal Decision

Site visit made on 17 May 2022 by Ms S Maur

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2022

Appeal Ref: APP/N0410/D/21/3286242

Drusden West Heusden Way, Gerrads Cross, SL9 7BD

- 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 Ms Karen Edwards against the decision of Buckinghamshire Council - South Area (South Bucks).
 - The application Ref PL/21/3182/FA, dated 9 August 2021, was refused by notice dated 12 October 2021.
 - The development proposed is the erection of double storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of double storey side extension at Drusden West, Huesden Way, Gerrads Cross SL9 7BD in accordance with the terms of application Ref PL/21/3182/FA, dated 9 August 2021, 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: 21/3410/102, 21/3410/107, 21/3410/108, and 21/3406/109.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additions to the roof of the dwelling shall be erected other than those expressly authorised by this permission.

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 Issue

3. The appeal site is within the Green Belt and therefore the main issues are:
 - i. whether the proposal would be inappropriate development for the purposes of the development plan and the National Planning Policy Framework);

- ii. the effect of the proposal on the openness of the Green Belt; and
- iii. if the proposal would be inappropriate development, whether the harm by reasons of inappropriateness, along with any other harm resulting from the proposal is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether inappropriate development in the Green Belt

4. The appeal property is located within the Green Belt as defined in the South Bucks District Local Plan 1999 (Local Plan). The National Planning Policy Framework (the Framework) directs that the construction of new buildings should be regarded as inappropriate in the Green Belt, save for a number of exceptions. One of these 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.
5. Policy GB10 of the Local Plan states that extensions to existing dwellings in the Green Belt will normally be permitted provided 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 under Policy GB10 details that extensions which would result in the original dwelling having increased its floorspace by more than half will not be regarded as small scale.
6. The Council states that the dwelling had an original floorspace of 132.6m² and that the dwelling has been extended since. When the existing and proposed extensions are taken together, the Council state that this would increase the size of the original dwelling by approximately 59.8%. The appellant indicates that due to discrepancies in the floor area described in the officer reports for this dwelling and a neighbouring site, and a smaller floor area in the loft space in the appeal scheme, the appeal scheme would represent a 50% increase.
7. The supporting text for Policy GB10 also states that, in some cases proposals which increase the floorspace by less than half may also be unacceptable due to their overall size, design and impact on the Green Belt. With this in mind, it is not merely a mathematical calculation, but wider considerations relating to the specific circumstances of each proposal, that are relevant. The appeal development would add a two storey extension to the side of the property. This would add considerable overall width, which would be a particularly noticeable new addition at first floor level. In this case, even if the floor area increase was 50% (and not greater), the proposed extension would appear as disproportionate compared to the original building.
8. The proposal therefore amounts to inappropriate development in the Green Belt. The Framework directs that inappropriate development is, by definition, harmful to the Green Belt. It goes on to explain that substantial weight should be afforded to any harm to the Green Belt and inappropriate development should not be approved, except in very special circumstances. The Framework advises 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

9. The proposal includes a double storey side extension and the removal of the existing single storey garage.
10. Although the proposed extension would be relatively large in relation to the dwelling, the proposal involves the removal of the existing large single storey garage. It would be closely associated with the existing built form and when viewed in context with the surrounding built form, this would have a modest impact on openness.

Other considerations

11. The appeal property is a semi-detached dwelling which has a very similar appearance to the neighbouring dwelling. The proposal is for a two-storey side and rear extension of a similar design to the extension carried out at the adjoining property, Drusden East.
12. The evidence indicates that the Council, in granting consent for the neighbouring scheme, found that, although the extension would be inappropriate development in the Green Belt, consent was granted because it was preferable to a potential fall back permitted development scheme for additions at roof level.
13. The appellant indicates that the same permitted development rights would apply to them. I have no reason to reach a different conclusion. The appellant does not definitively state that the fallback position would be implemented in the event that this appeal was dismissed. Nevertheless, this fallback position appears to exist, and it was the Council's only substantive reason to give permission at the next-door property. I therefore give moderate weight to this.
14. There are minor differences between what is proposed here and the neighbour's extension, particularly in the fenestration. However, the proposals would be very similar in terms of appearance, layout and scale. This would result in rebalancing the pair of houses which would have positive benefits to the character and appearance of the immediate area. I give, this significant weight.

Conclusion and Recommendation

15. I conclude that the proposal does amount to inappropriate development and that it would have a modest impact on the openness of the Green Belt. Taking together the circumstances with the neighbouring property, including the permitted development fallback position and the overall improvement to the character and appearance of the immediate area through a rebalance of the semidetached dwellings, in this particular case, this would result in very special circumstances.
16. Although substantial weight is given to any harm to the Green Belt by reason of inappropriateness and openness, the very special circumstances would clearly outweigh this, in this case. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Conditions

17. I recommend the standard time condition and a condition requiring development to be carried out in accordance with the approved plans, to provide certainty. In addition, a condition should be imposed to ensure that external finishing materials of the extension matches those of the existing dwelling in the interests of the character and appearance of the host dwelling and the immediate area.
18. A condition should be added to remove permitted development rights for roof additions as, considering these as a fallback position, has formed part of the overall consideration of the scheme in reaching a view on very special circumstances. The Council suggested also removing permitted development rights for other extensions (not just at roof level). However, as the permitted development fallback position related to a potential roof alteration, removing wider permitted development rights would not be reasonable. The Council also suggested adding the wording "unless planning permission is first granted by the Local Planning Authority". This would be the effect of a permission being granted and it is not necessary to add it explicitly to a condition.

Ms S Maur

APPEAL PLANNING OFFICER

Inspector's Decision

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

K Taylor

INSPECTOR