



Appeal Decision

Site visit made on 13 June 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2022

Appeal Ref: APP/J0405/W/21/3282276

Beechwood, Chivery, Tring, Buckinghamshire HP23 6LD

- 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 S Drane against the decision of Buckinghamshire Council.
 - The application Ref 21/00256/APP, dated 16 January 2021, was refused by notice dated 19 July 2021.
 - The development proposed is described as 'demolish existing 2 port garage and rebuild 3 port garage with domestic office over'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have recently adopted the Vale of Aylesbury Local Plan 2013-2033 (2021) (the VALP), replacing the saved policies of the Aylesbury Vale District Local Plan (2004). The main parties have had chance to comment on the new policies so far as they are relevant to the main issues. I have determined the appeal on the basis of the most up to date development plan.

Main Issues

3. The main issues are:
 - i) Whether the proposal is inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies;
 - ii) The effect of the development proposed on the character and appearance of the host property and the surrounding area, including the Chilterns Area of Outstanding Natural Beauty (the AONB);
 - iii) The effect of the development proposed on the living conditions of the occupants of Conifer Cottage, with particular regard to outlook, and;
 - iv) If the development is inappropriate, 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 the development.

Reasons

Whether Inappropriate Development

4. The National Planning Policy Framework (the Framework) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 137 states that the essential characteristics of the Green Belt are their openness and their permanence.
5. 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. Exceptions to this, however, include 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 a building as it existed on 1 July 1948, or if constructed after that date, as it was built originally.
6. Policy S4 of the VALP sets out types of development that will be supported in the Green Belt. This includes extensions to buildings that are not out of proportion with the original building, normally no more than a 25-30% volume increase of the original building.
7. Based on the evidence before me, the existing house on the appeal site received planning permission in 1974 as a replacement of an earlier house. Further planning permissions were later granted for extensions to the house including side and rear dormer roof extensions and a garage. The Council state this amounted to a 70% increase, presumably in volume, from the original dwelling. This is not disputed by the appellant.
8. There is dispute between the parties regarding the proposed percentage uplift in the volume of the garage. Even if the appellant's calculations are used, the uplift would be approximately 30%, at the top of the range provided by Policy S4. In combination with the extensions already undertaken to the main house, the extensions to the property would exceed the policy threshold, and would amount to disproportionate extensions to the original building. Furthermore, the scale, height and bulk of the proposed garage compared to the main house, would create a visually disproportionate addition to the building. The proposed development would therefore visually and spatially harm the openness of the Green Belt.
9. The appeal proposal would result in disproportionate additions to the original building and would be inappropriate development in the Green Belt which is, by definition, harmful. The proposal would conflict with Policy S4 of the VALP and the associated policies of the Framework.

Character and Appearance

10. The appeal site lies in a rural area where properties of varying scale and design sit within generous plots on the northern side of the road. The properties have gardens which extend to the woodland to the north. The predominantly low boundary treatments and landscaping, as well as the gaps between the properties, allow visibility between the gardens and also views from the road. Behind the main rear building lines of the properties, a number of outbuildings can be seen, however, these are predominantly small and low level structures.

These long verdant gardens contribute positively to the character of the area and the landscape.

11. The proposed development, by reason of its scale, height and mansard roof design, would fail to appear as a visually subordinate structure on the site and would be at odds with the character of the host property. It would also deviate substantially from the simple character of other outbuildings in the area, and detract from the open and verdant character of the back of the site. At such it would appear out of character with the surrounding area and would fail to conserve or enhance the special landscape character of the AONB.
12. The proposal would conflict with Policies BE2 and NE3 of the VALP which require development to respect and complement the site and surroundings, and to conserve and enhance the AONB's qualities. It would conflict with Policy HQD1 of the Aston Clinton Parish Neighbourhood Plan 2018 which requires high quality design that is in keeping with local character, and the design objectives of the Framework. In addition there is conflict with the Residential Extensions Design Guide, amended 2013, which states that garages should not dominate the house and should be subordinate.

Living Conditions

13. The proposal would introduce a two storey elevation against the shared boundary with Conifer Cottage. Conifer Cottage is a substantial two storey dwelling set away from this boundary. While the proposed development would be visible from that property, by reason of its distance from the rear windows, doors and balconies of Conifer Cottage, and as it would be visible only at oblique angles, it would not be visually dominant or oppressive to the outlook enjoyed by its occupants.
14. The proposal would not cause harm to the living conditions of the occupants of Conifer Cottage and would comply with Policy BE3 of the VALP which seeks to protect living conditions of existing and future residents. I do also not find conflict with the Residential Extensions Design Guide, amended 2013, nor the objective of the Framework insofar as this issue is concerned.

Other Considerations

15. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
16. The appeal scheme would be inappropriate development in the Green Belt, and the Framework requires that I give substantial weight to that harm. There would also be harm to the character and appearance of the area including the AONB, which I also ascribe significant weight.
17. In terms of benefits, the proposal would allow additional garaging for a car as well as office space for the occupiers of the property. However, these are private benefits to the occupants and attract little weight. While I have not found harm to the living conditions of the occupants of Conifer Cottage, this is a neutral matter and does not carry weight in favour of the proposal.

18. Overall, the weight of the other considerations in this instance would not be sufficient to clearly outweigh the harm to the Green Belt and the harm to character and appearance of the area. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

19. For the reasons set out above, the proposal would conflict with the development plan and the Framework. There are no material considerations worthy of sufficient weight, that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

C Shearing

INSPECTOR