



Appeal Decision

Site visit made on 27 September 2022 by C Glaister

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Appeal Ref: APP/J0405/D/22/3297895

104 Ellesborough Road, Wendover HP22 6EW

- 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 Tim Gregory against the decision of Buckinghamshire Council.
 - The application Ref 21/04845/APP, dated 21 December 2021, was refused by notice dated 7 February 2022.
 - The development proposed is described as "Demolition of existing conservatory; rear extension to create orangery and terrace linking to garden; extension to existing garage; new screen to front porch and internal alterations".
-

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 development 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 the character and appearance of the host dwelling; 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

Whether 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 the 'original building' as the building as it existed on 1 July 1948 or, if constructed after this date, as it was built originally.

5. Policy S4 of the Vale of Aylesbury Local Plan (September 2021) (the Local Plan) states that normally no more than a 25-30% increase in the volume of the original building will be supported within the Green Belt.
6. The property is a two-storey detached house which has been previously extended. The proposal would replace the conservatory with a larger extension and increase the size of the garage. The Council state that the previous extensions have amounted to an 81% increase in the volume of the original building, and that the proposal would increase this cumulative figure to 90%. The appellant does not dispute these figures. An increase in volume of 90% would be far beyond the 25-30% normally permitted by Policy S4, and a difference of 9% between cumulative figures as existing and as proposed would not be insignificant. The proposal would therefore result in disproportionate additions over and above the size of the original building.
7. Accordingly, the proposal would be inappropriate development, and 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

8. The property is part of a short row of detached dwellings. The area around the site and its neighbours is mostly comprised of large open fields. Whilst the cumulative volume increase resulting from the proposal would be disproportionate to the original building when combined with the previous extensions, the overall size of the proposed extensions alone would not occupy a particularly large area of land and would be seen within the context of an existing building. As such, the impact of the proposal on the openness of the Green Belt would be very limited, both visually and spatially.
9. Although the harm would be very limited, the proposal would nevertheless be detrimental to the openness of the Green Belt.

Character and Appearance

10. The rear extension would replace the conservatory and infill the area between the conservatory and the garage. The size and design of the rear extension would generally respect the appearance of the original building and would not significantly alter its character. The garage would be extended at the front. It would remain similar in design and appearance to the garage as it currently exists, and whilst it would be larger, it would remain well set back from the front of the house and visually subservient to the original building. As such, the architectural integrity of the original structure would remain intact.
11. Accordingly, the proposal would not harm the character and appearance of the host dwelling. It would therefore accord with Policy SD1 of the Wendover Neighbourhood Plan (February 2020) and Policy BE2 of the Local Plan which

together seek to ensure development reflects the character and scale of the surrounding buildings and respects and complements the physical characteristics of the site.

Other Considerations

12. The development would involve the removal of steps inside the house and the rearranging of the internal layout to better suit the needs of one of the occupants. The development would also be more energy efficient than the existing conservatory and the appellant has suggested they intend to use a heat pump and underfloor heating as part of the works. Whilst careful consideration has been given to the health problems of one of the occupants, the above could reasonably be achieved without increasing the overall size of the property. This therefore holds little weight.
13. The appellant has cited an appeal for development in a different area. The policy context for that development is not the same as it is for this appeal, and it does not appear to have been subject to the same guidelines as given in Policy S4. Whilst it is accepted that there are instances in which development may be substantial and not disproportionate, consideration must be given to the individual merits of the appeal and the policy context. The appeal cited by the appellant would not justify the harm identified above.
14. The development would do little to improve the living conditions of the neighbouring occupants on either side, and this therefore holds little weight.
15. The appellant has suggested that they will submit an application for the replacement of the dwelling as a fallback position. An application for the replacement of the dwelling would be subject to its own assessment and whether or not the appellant would pursue this application would not mitigate the harm identified in this appeal.
16. The work created for local tradespeople would be minor. The proposal could help facilitate the occupants working from home. However, there is little to suggest that this cannot already be achieved, or could not be achieved by other means. The benefits associated with the proposal could also be afforded to future occupiers. However, this would not be particularly significant and would hold little weight.
17. A lack of ecological harm, harm to the occupiers of the neighbouring properties, or any other lack of harm are neutral matters and do not weigh in favour of the proposal.
18. The sum of these considerations would not outweigh the substantial weight given to the harm to the Green Belt.

Conclusion and Recommendation

19. The proposal would be inappropriate development in the Green Belt and would be detrimental to openness. It would therefore conflict with the aims of Policy S4 of the Local Plan, and the Framework. The other considerations do not clearly outweigh these harms, and the very special circumstances necessary to justify the development do not therefore exist.

20. The absence of harm to the character and appearance of the area would not mitigate the harm identified to the Green Belt. 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

21. 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