
Appeal Decision

by Mr Cullum Parker BA(Hons) PGCert MA MRTPI MCMI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2022

Appeal Ref: APP/K0425/D/22/3296234

Beechcroft, Upper Icknield Way, Whiteleaf, HP27 0LX

- 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 Mark Spilman against the decision of Buckinghamshire Council.
 - The application Ref 21/08103/FUL, dated 11 October 2021, was refused by notice dated 21 January 2022.
 - The development proposed is described as '*Demolition of conservatory room and erection of a two-storey rear extension*'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Appellant has indicated on their Appeal form that '*The proposed extension is located at the rear of the property, not visible from the road. However, the planning officer has acknowledged this fact but refused based on the volume calculation only, so the planning inspector may be able to assess our proposal via a desk top review, and using the photos attached to the decision.*' Having carefully reviewed all the evidence submitted by the parties I concur that, in this case, the written evidence is sufficient to determine the proposal before me. I have proceeded on this basis.

Main Issues

3. The main parties agree that the appeal site is located within the Green Belt. As such, the main issues are:
 - (i) Whether the proposal would constitute inappropriate development in the Green Belt; and,
 - (ii) If the proposal would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

4. The *National Planning Policy Framework* (the Framework) sets out national policy on Green Belts and is an important material consideration.

Paragraph 147 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Similarly, at a local level, Policy CP8 of the *Adopted Wycombe District Local Plan (2019)* (LP) sets out that the Council will protect the Green Belt from inappropriate development.

5. Paragraphs 149 and 150 of the Framework indicate limited exceptions to inappropriate development. Those listed in Paragraph 150 are of limited relevance in this case and it is not suggested by the parties that the proposal would fall into any of those exceptions: I concur.
6. Paragraph 149 sets out exceptions to inappropriate development which includes part c); '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 pivotal dispute between the parties revolves around this point.
7. The Framework does not define what is considered by the term 'disproportionate additions'. Usefully, Policy DM43 sets out that the extension of dwellings in the Green Belt will only be considered appropriate when it satisfies certain criteria. This includes criterion e) that where the volume of the original dwelling is between 240 and 720 cubic metres, the total volume of the resulting building is no more than the volume of the original building plus 50%. At criterion f), Policy DM43 sets out that where the volume of the original dwelling is more than 720 cubic metres, the total volume of the resulting building is no more than 1080 cubic metres.
8. In this instance, these volumetric requirements are a reasonable starting point for me as the decision-maker to determine, as a matter of planning judgement, whether the evidence before them would represent a disproportionate addition or not. I have proceeded on this basis.
9. The Appellant suggest that the proposed additions should be assessed against the 'existing dwelling' and the 'LPA¹ have mistakenly assessed the proposal by comparison of the proposed volume to the original dwelling volume, which is an irrelevant calculation'. Actually, the difference between 'original' rather than 'existing' is critical in this case. Both Policy DM43 and Paragraph 149 refer to 'original' so that, therefore, is the correct starting point.
10. Consequently, the first stage is identifying the extent of the 'original building'. The Framework defines in its glossary this as 'A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.' The planning history of the appeal site suggests that the appeal building was erected in or around 1955². The Appellant's document, *Planning Statement for 2 Storey Rear Extension at Beechcroft, HP27 0LX Rev B* indicates that the original dwelling consisted of the main dwellinghouse with a detached garage. A connecting conservatory feature between the two, and a woodstore were added at a later date.
11. According to the LPA, the original building, that is when built around 1955, had a volume of roughly 601m³. The Appellant considers that the figure should be approximately 732m³. In this respect, part f) of DM43 would be engaged using the Appellant's figures – meaning that the resulting building should be no more than 1080 cubic metres. There is also the detached garage to consider,

¹ LPA – Local Planning Authority

² See Paragraph 4.11 of the Officer's Report

which at that time had a volume of roughly 160m³. Given its proximity to the original dwelling and direct and personal use for occupants, it is reasonable to consider the garage is a normal domestic adjunct and therefore part of the original building when built.

12. I therefore find that the total volume of the original dwelling (that is the dwellinghouse and garage) was originally around 761m³ (LPA figures) or 892m³ (Appellant's figures)³. Now that there is a broad idea of the size of the original building, the task is to work out what further additions have been made so as to ascertain whether the figure of 1080 cubic metres has been exceeded or not.
13. Since the original building was erected, a three storey rear extension has been erected, which the Appellant indicates has a volume of approximately 250m³, which would amount to around 1142 cubic metres (892+250). The LPA considers that the volume of this is around 264m³, which would amount to roughly 1025 cubic metres. At this stage, without including the non-original conservatory and woodstore which the Appellant indicates would be removed (though it unclear as to how this would be secured), the Appellant's figure would exceed the 1080 cubic metres set out in subsection f). There remains, however, the LPAs slightly smaller figure where there would be some latitude in further cubic metreage being added.
14. The proposed extension would have a volume of around 189m³ (LPA figure) or 200m³ (see Appellant's Planning Statement page 4 of 5). Clearly, in both instances, the result of the additions would be in excess of the 1080 cubic metres⁴ sought by Policy DM43 f). As such, using this measure, the proposal would represent a disproportionate additions over and above the original building.
15. However, in national policy terms it's important to the recognise that disproportionate additions over and above the size of the original building is not a set mathematical equation but rather a matter of exercising professional planning judgment. The proposed two storey extension in this case would result in a significant increase of volume from the original building. Moreover, it would also see a further significant increase in the footprint of the original building, covering 65 metres squared of land area (in addition to the 80m² for the three storey extension)⁵. Added to this, is the fact that the proposed extension would be built in space to the rear of the building where there is currently very little additions and certainly none of two storey height shown on the submitted drawings in this area.
16. The Framework makes clear at Paragraph 137, that the essential characteristics of the Green Belts are their openness and permanence, so any reduction in these characteristics would also be harmful. In terms of openness of the Green Belt, the proposal seeks a disproportionate increase in the size of the existing building in terms of its footprint, floorspace, volume and introduction of a two storey extension. When all of these various factors are compared against the original building, it is clear that the extensions and alterations proposed would further erode the openness of the Green Belt.

³ 601m³ or 732m³ plus 160m³ garage volume.

⁴ 1025+189= 1214 cubic metres LPA, or 1142+200 = 1342 cubic metres Appellant, respectively. Even if the 80 cubic metres figure was 'regained' from the conservatory and wood store removal, both figures would still exceed the 1080 cubic metres set out in the policy.

⁵ See page 4 of 5 of the Planning Statement

17. When taking into account the increase in volume and the relative dimensions of the extensions in comparison with the original building, I find that the proposal would result in disproportionate additions over and above the size of the original building. Accordingly, the proposal would represent inappropriate development in the Green Belt as it does not fall within one of the exceptions set out in Paragraph 149 and 150 of the Framework, nor does it fall within the exceptions set out in Policy DM43 of the LP.
18. My attention has also been drawn to the criteria of 'development of previously developed land' under Paragraph 147 g) and an earlier appeal decision (ref 3267057). That appeal was dismissed for the 'demolition of existing dwelling and associated buildings, and erection of 2 x 5 bedroom detached dwellings'. It therefore differed in terms of the substance of what permission was sought for. Notwithstanding that decision, I have found that the proposal before me, on the basis of the evidence submitted, would have an adverse impact on the openness of the Green Belt and that this proposal would represent inappropriate development within the Green Belt.

Other considerations

19. Whilst the Appellant considers that the proposal is not inappropriate development within the Green Belt, I have found otherwise. In this respect, the Appellant's evidence suggests that the following very special circumstances provide justification for it to be permitted in Green Belt terms.
20. I acknowledge the Appellant's point that removal of some additions – such as the conservatory link and woodstore – would reduce the footprint of this part of the dwelling and reduce the 'frontal elevational build'. The extension would also not change the existing house elevation profile to the front. However, in both instances the adverse effect from the proposal on the openness of the Green Belt would remain. I also note that the extension would be built in matching materials and be visually subservient to the host building. Both of these are aspects of good design, which should be supported. Overall, I therefore afford these considerations modest weight in favour of the proposal.
21. I note that there is likely to be no ecological impact – including on any protected species – or on nearby trees. There is also likely to be no impact on the highway network or on parking provision. The proposal would also be unlikely to increase flood risk, even given its location in Flood Zone 1. The alterations would also conform to the latest Building Regulations in terms of energy and water efficiency. However, the absence of harm in these matters means that these should be regarded as neutral in the balance.
22. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Overall Conclusions

23. Paragraph 148 of the Framework requires decision-makers to ensure that substantial weight is given to any harm to the Green Belt. In this case the proposal is inappropriate development and would reduce openness of the Green Belt.
24. Other considerations weighing in favour of the development must clearly outweigh this harm. Principal among these are the use of good design and

matching materials. Whilst I acknowledge these, and all other considerations put forward by the appellant, Paragraph 144 makes clear that all development in the Green Belt is subject to stringent national planning policy tests, which I have applied.

25. In light of this, I conclude that those considerations put forward which weigh in favour of the proposal fail to clearly outweigh the substantial harm by reason of inappropriateness. The very special circumstances needed to justify the proposal do not therefore arise. The proposal conflicts with the Policies of the LP and of the Framework, the aims of which I have aforesaid.
26. Accordingly, I conclude that the appeal should be dismissed.

C Parker

INSPECTOR