The Planning Inspectorate

Appeal Decision

Site visit made on 4 January 2023

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2023

Appeal Ref: APP/J0405/D/22/3293954
Crabtree Cottage, Ivinghoe Aston, Ivinghoe LU7 9DP

- 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 and Mrs William Bexson against the decision of Buckinghamshire Council.
- The application Ref 21/03422/app, dated 26 August 2021, was refused by notice dated 10 December 2021.
- The development proposed is Part single part two storey rear extension.

Decision

1. The appeal is allowed and planning permission is granted for part single part two storey rear extension at Crabtree Cottage, Ivinghoe Aston, Ivinghoe LU7 9DP in accordance with the terms of the application, Ref 21/03422/app, dated 26 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: Location Plan and Block Plan (received by LPA 13.10.2021) Existing Plans & Elevations No. 1 (Dated April 2021) Proposed Plans & Elevations No. 2 (Dated April 2021).

   3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

Main Issues

2. The main issues are as follow:

   - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.

   - If the proposal is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

3. Local Plan[1] Policy S4 states that small-scale development will be supported providing that it preserves the openness of the Green Belt, does not conflict with the purposes of including land within it and accords with one of various criteria. Criterion 'e' refers to extensions and alterations to buildings in the Green Belt that are not out of proportion with the original building, normally meaning that t no more than 25-30% volume increase of the original building.

4. The Framework does not include guidance on what is considered to be 'disproportionate'. Whether or not extensions and alterations are disproportionate is a matter of planning judgement, having regard to the particulars of a proposed development and the relevant site-specific circumstances.

5. Whilst Policy S4 provides some parameters as to what may constitute 'disproportionate additions', the use of the word 'normally' indicates that there is inherent flexibility in the policy in applying these parameters. Indeed, this is consistent with the less prescriptive approach taken in the Framework.

6. Framework Paragraph 149 states that the construction of new buildings in the Green Belt should be regarded as inappropriate development, except in certain circumstances. One such exception is set out under Framework Paragraph 149C, which relates to 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.

7. The Framework glossary defines an 'original building' as 'a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally'. The Council has provided various plans which appear to relate to historic planning applications submitted between 1976 and 1979[2].

8. The earliest plan provided by the Council showing the dwelling is dated 1973 but this only shows one elevation of the building. The location plan included on this plan indicates extensions to the side and rear already existed at this time, neither of which are reflected on the elevation shown. A later plan from 1978 indicates the possible floor plan layout of the dwelling at that time. The Council contends that these plans taken together indicate that the original building has been extended significantly. Indeed, the Council asserts that the previous extensions amount to a 220% increase in volume compared to the original dwelling.

9. However, the Appellant has provided historic maps dated 1879, 1947 and 1973. The 1879 map shows the dwelling with what appears to be a significantly larger and less square footprint than that which is shown on the 1973 and 1978 plans provided by the Council. The 1947 map just shows a small square in the location of the dwelling. However, the accuracy of this map is questionable given that the 1973 map again shows an almost identical layout to that indicated on the 1879 map.

10. Overall, the evidence provided by the Council is by no means conclusive in indicating the size of the original dwelling. Furthermore, the historic maps indicate that the dwelling has aways had a relatively large footprint (or at least

[1] Vale of Aylesbury Local Plan 2013-2033 (September 2021)
[2] Council references 76/01788/AV, 79/00101/AV and 79/02059/AV

since 1879). It is not possible to ascertain the volume of the dwelling as it stood on 1 July 1948, but the figure is very likely greater than that indicated by the Council's calculations.

11. In any case, proportionality is a matter of planning judgement. Whilst a two-storey rear extension is proposed, it would be very minimal in terms of footprint, floorspace and volume. Based on the likely original layout of the dwelling as it stood on 1 July 1948, the small-scale rear extension would be of a small size in terms of depth and width in comparison to the original dwelling.

12. On balance, on the basis of the evidence before me, I conclude that the proposed development is of such a small size that it would not result in disproportionate additions over and above the size of the original building, even when combined with the relatively significant extensions that already exist. As such, the proposal would not be inappropriate development.

13. The impact on openness is implicitly taken into account in the exceptions to inappropriate development unless there is a specific requirement to consider the actual effect on openness. Framework Paragraph 149C does not require an additional consideration of openness. As such, there is no requirement to separately assess the impact of the development on openness.

14. For these reasons, the proposed development complies with Local Plan Policy S4, which seeks to ensure that extensions and alterations to buildings in the Green Belt are not out of proportion with the original building.

Other Matters

15. I have had regard to the duty under section 85(1) of the Countryside and Rights of Way Act 2000 (as amended) (the CRW Act), which requires that relevant authorities have regard to the purpose of conserving and enhancing the natural beauty of an AONB. Furthermore, Paragraph 176 of the Framework states that great weight should be given to conserving and enhancing the landscape and scenic beauty of an AONB. The proposed development is of a very small scale. It would be dwarfed by the existing building and would not be clearly visible from the surrounding area, even taking account of the adjacent Public Right of Way. The visual impact would therefore be negligible and the development would conserve the landscape and scenic beauty of the AONB.

Conditions

16. I am imposing the standard householder conditions, as advocated by the government's Planning Practice Guidance. These are to ensure that the development is implemented in accordance with the approved plans, and that the external materials used should match those of the existing dwelling.

Conclusion

17. The proposed development complies with the development plan taken as a whole. There are no material considerations raised which indicated a decision should be made other than in accordance with the development plan. The appeal is therefore allowed.

Luke Simpson

INSPECTOR