



Appeal Decision

Site visit made on 13 February 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2023

Appeal Ref: APP/K0425/D/22/3301285

Hideaway, Naphill Common, Naphill, HIGH WYCOMBE, Buckinghamshire HP14 4SU

- 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 Mike Beckley against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application Ref 21/08454/FUL, dated 23 November 2021, was refused by notice dated 27 April 2022.
 - The development proposed is to construct a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The site lies within the zone of influence of the Chilterns Beechwoods Special Area of Conservation (SAC), a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended. Although not forming part of the Council's reasons for refusal, it is incumbent upon me as competent authority to consider whether the proposal would be likely to have a significant effect on the integrity of the protected site. It is necessary to consider this matter as a main issue.
3. Accordingly, the main issues are:
 - Whether the proposed extension would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (The Framework) and any relevant development plan policies;
 - the effect on the openness of the Green Belt;
 - The effect of the proposal on the Chilterns Beechwoods SAC; 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 very special circumstances to justify it.

Reasons

inappropriate development

4. The appeal site is within the Metropolitan Green Belt. Policy CP8 of the Wycombe District Local Plan 2019 (LP) states that the Council shall protect the

Green Belt from inappropriate development. LP Policy DM43 of explains that an extension to a dwelling, within the Green Belt, will only be permitted where it meets a listed exemption. Criterion (e) explains that an original dwelling, with a volume of between 240 cubic metres and 720 cubic metres, can be extended by no more than the volume of the original building plus 50%. The supporting commentary states that in terms of cumulative impacts all past and proposed extensions will be considered together. The effect of this approach ensures that extensions would be proportionate to the size of the original dwelling.

5. Paragraph 149, of the Framework establishes that buildings in the Green Belt would be inappropriate unless they would meet a listed exception. Paragraph 149(c) explains that the extension or alteration of a building would not be inappropriate provided that it would not result in disproportionate additions over and above the size of the original dwelling. Although the Framework does not define 'disproportionate' the Council's policy approach is consistent with the Framework and provides useful further guidance on this matter.
6. The officer report estimates that the original dwelling was around 320 cubic metres and that two previous additions amount to about 215 cubic metres, adding over 50% to the volume of the original dwelling. The proposed extension would therefore add volume that would further exceed the 50% threshold of criterion (e). The Appellant has not contested these approximate sums. The proposed extension would extend to the rear of the original dwelling and most of the rear of the two-storey side extension. Therefore, whilst single storey and of relatively modest size, the proposal would represent a comparatively broad and expansive addition. Accordingly, in combination with the previous additions, the proposal would be disproportionate in size to the original dwelling.
7. As it has not been demonstrated that the proposal would be any of the exceptions listed in Paragraph 149 of the Framework, it would amount to inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. It would therefore be in conflict with the Council's policies outlined above.

Effect on openness

8. Considerations of openness have both visual and spatial aspects. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result.
9. The appeal dwelling is within a cluster of dwellings within a woodland area of Naphill Common. Several public footpaths and a bridleway surround this group, affording multiple views of the appeal dwelling from the public realm. As such, the rear of the dwelling is partially open to wider views from the surrounding Green Belt. However, the rear garden is enclosed by boundary hedging that limits views of the ground floor of the dwelling and would result in minor visual harm to the Green Belt. Nevertheless, the proposed extension would materially increase the footprint and size of the dwelling, resulting in an encroachment of built form and moderate spatial harm. As a result, the proposal would have a moderately harmful effect on the openness of the Green Belt.

Chilterns Beechwoods SAC

10. The site is within the Zone of Influence of the SAC and Naphill Common, a Site of Special Scientific Interest. The Council's ecologist raised no objection to the proposal subject to the imposition of a condition requiring a construction method statement. However, when considering the effect that a proposal may have on a European Site, a decision maker must consider mitigation within the framework of an Appropriate Assessment (AA) rather than at the screening stage. This responsibility now falls to me within this appeal.
11. Had I been minded to allow the appeal, it would have been necessary for me to seek additional information from the parties in order to undertake the AA. The AA is required on a case-by-case basis to determine whether or not the project will adversely affect the integrity of the SAC. It would also have required consideration of whether or not any proposed mitigation would be adequate, effective, and could be appropriately secured and delivered in a timely manner. However, as I am dismissing the appeal for other reasons, I do not need to consider the matter further as it would not change the outcome of this appeal.

Other Considerations

12. The Appellant asserts that the dwelling is within a secluded location where development would have a minimal effect on the openness of the Green Belt. However, whilst this bears on the visual effects of the proposal it is not uncommon for sites within the Green Belt to be so located. Its secluded nature therefore is of limited weight in favour of the proposal.
13. It is also explained that the proposed extension would modernise the internal layout of the dwelling to provide improved family living. The proposal would also enable it to accommodate an elderly family member, possibly including a ground floor bedroom. These benefits, whilst private interests, are of moderate weight in favour of the scheme. Also, whilst the proposal would replace some existing timber decking, the decking represents a minimal form of development that does not meaningfully contribute towards the overall size of the dwelling.
14. The Appellant has referred to the approved extensions to both Little Heysham and Heysham. However, without understanding the original size of these dwellings and the size of the approved extensions I am unable to consider these in the context of the Council's policies. I am therefore unable to draw any clear comparisons to the proposed development and therefore afford these considerations limited weight.
15. The proposed extension would be constructed of matching materials and consist of a design and window configuration that would complement the existing dwelling. Furthermore, due to the size of the plot, the proposal would not result in a cramped form of development. It would be in character with the area, including the Chilterns Area of Outstanding Natural Beauty, it would also not harm highway safety or the living conditions of existing neighbours. However, an absence of harm in these respects can only be considered as neutral factors in the planning balance.

Whether there would be Very Special Circumstances

16. Paragraphs 147 and 148 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special

circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

17. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in moderate harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
18. On the other hand, the other considerations I have identified are of limited to moderate weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.

Conclusion

19. The proposed development would not accord with the development plan or national policy and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Ben Plenty

INSPECTOR