



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: 28 February 2023

Appeal Ref: APP/N0410/D/22/3297516
Woodlands, Beacon Hill, PENN HP10 8NH

- 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 c/o Jeremy Clark-Lowes MA FRICS against the decision of Buckinghamshire Council - South Area (South Bucks).
 - The application Ref PL/21/4164/FA, dated 19 October 2021, was refused by notice dated 1 February 2022.
 - The development proposed is Proposed two storey front extension, infill roof extension fenestration alterations (alternative scheme to PL19-3530-VRC).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A S106 Planning Agreement has been submitted in the form of a Unilateral Undertaking¹ (UU). This would preclude the owners, and their successors in title, from implementing a previously approved² garage. This also requires the foundation works of the garage to be removed and land restored to a lawn. I noted during my visit that this area consists of gravelled hardstanding. I shall return to this matter later.
3. Planning permission was granted³ in 2018 for the dwelling to be extended with a two-storey front extension, infill roof extension and fenestration alterations. This was subsequently amended, through two later S73 applications, to incorporate various changes that included an additional rear dormer and the increase in height of the extension. Parties appear to concur that the dwelling has been extended in accordance with the approved plans apart from the changes that are the subject of the current appeal.
4. The proposed scheme includes a larger than approved dormer between the gable ends of the 'RH side elevation', an increase in depth of the dormer on the 'LH side elevation' by 0.3 metres, the replacement of the 'RH side elevation' dormer with a first-floor extension, an infill extension to form an en-suite, and the addition of white render and grey cladding to parts of the building. The proposal is largely retrospective and therefore S73A of the 1990 Town and Country Planning Act applies. I have dealt with the appeal on this basis.

¹ Legal Agreement, dated 27 November 2022

² Planning Application Reference: CH/2015/0990/FA

³ Planning Application Reference: CH/2017/2367/FA

Main Issues

5. 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 on the character and appearance of the area, including the Chilterns Area of Outstanding Natural Beauty (AONB); 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

6. The appeal site is within the Metropolitan Green Belt. Saved policy GB2 of the Chiltern District Local Plan 1997 (including alterations 2001, consolidated 2007 and 2011) (LP) seeks to protect the Green Belt from inappropriate development and to allow only limited extensions to dwellings. LP saved Policy GB13 explains that a proposed extension to a dwelling, within the Green Belt, will only be permitted where it meets a listed exemption. These require extensions to be subordinate to the size and scale of the original dwelling, not be intrusive in the landscape and to comply with LP policies H13-H17. The policy states that in cases where there have been one or more previous extensions, the cumulative effect of all will be taken into account.
7. 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.
8. The officer report estimates that the gross floorspace of the original dwelling was around 107 sqm and that previous additions created a current combined floorspace of around 409 sqm. This has resulted in the substantial increase of floorspace from the original dwelling by a factor of four. Although the proposal would not increase the footprint of the dwelling, it would add further floorspace at first floor level and add significant further mass to the roof form and dormers. The alterations have increased the overall bulk of several dormer windows and raised the height of the roof around the staircase creating a vaulted two-storey space.
9. Although the proposed additions are relatively modest, in comparison to the scale of the existing dwelling, they would appreciably increase its size. In combination with previous extensions, the proposed extensions and alterations form disproportionate additions to the original dwelling.

10. 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, as outlined above.

Effect on openness

11. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and its essential characteristics are therefore its permanence and openness. Considerations of openness have both visual and spatial aspects. The appeal dwelling is within a large plot, away from other dwellings. The rear garden is relatively well enclosed by boundary hedging and tree cover and topography, providing fairly robust screening and a limited visual impact on the surrounding area. Nevertheless, due to the increase in size and massing of the proposal, it would fail to preserve the openness of the Green Belt. The Framework advises at Paragraph 137 that openness is an essential characteristic of Green Belts, and the appeal proposal would therefore also cause harm in this regard.

Character and appearance

12. Beacon Hill consists of ribbon development along a country lane. Housing here contains a variety of traditional styles within spacious, landscaped plots that convey a verdant rural character. The appeal dwelling is within a large plot in a secluded location off Beacon Hill and can be seen in glimpses from the adjacent Bridleway. Parts of the original dwelling and some later additions are traditional in form with hipped, tiled roofs, dormer windows, brick stacks and employing traditional materials of brick and clay tiles. In contrast, its more recent alterations are modern in style including large windows and bi-fold doors, flat roofs, and a balcony. The juxtaposition of materials and forms results in a collection of features that do not successfully integrate well together. Nevertheless, the approved version of the dwelling retains several traditional architectural components that enable it to make a largely positive contribution to the character and appearance of the area.
13. The Framework requires great weight to be given to conserving and enhancing the landscape and scenic beauty of AONBs. The Council's Building Design Guide, for the Chilterns AONB, identifies that an integral part of its landscape is its wealth of attractive villages and buildings. In terms of design advice, the Guide advises that dormer windows should be kept low on the roof, be small and designed to let in light rather than create additional roof space. Furthermore, the Council's Residential Extensions and Householder Development (REHD) SPD requires extensions to harmonise with a building. It also requires extensions to strike a balance between the existing features and integrate in such a way that it does not adversely affect the character and appearance of the locality.
14. The approved plans demonstrate the appearance of the dwelling before the further works were undertaken, which I have used to understand the effect of the proposed changes. The changes made to the dwelling remove and obscure traditional features of the building. The increased depth of the dormers has substantially increased their dominance in the roof plane and removed the eaves detailing above ground floor level.

15. The change to the LH side elevation has increased the scale of the dormers creating a large addition. This has obscured large areas of the sloping roof and created flat elevations with the ground floor of the dwelling. This increase in bulk is out of scale with the approved roofscape and is disproportionate with regard to the scale of the approved and subservient dormer windows. Furthermore, the increased depth of the dormers on the RH elevation, whilst small, has resulted in the loss of the two gable features. These would have assisted an observer in understanding the form of the original building and has removed interesting architectural features. Accordingly, the changes to the dormer windows are pronounced and significant.
16. Moreover, the first-floor extension above the staircase, has created a tall addition with the addition of a dominant and overt feature. This includes an awkward crown roof design that fails to successfully integrate the extension with the main dwelling. Accordingly, this element adds disjointed further mass to the dwelling and obscures further areas of the traditional roof plane.
17. Grey cladding has been installed in horizontal bands on the dormers and other first floor parts of the dwelling. Although, non-traditional, the material has been shown to be used locally and in itself is appropriate for the building blending well with the use of render and brick sections. Nonetheless, the use of such a material emphasises the dominant and stark design of the dormers and other first floor elements, in contrast to the red tile of the main roof.
18. Consequently, the proposed changes have resulted in dominant dormer features, removed interesting architectural features and reduced its interest as a traditional form of dwelling. Although the appeal dwelling is well screened from public viewpoints, the site includes a largely open garden which makes a positive contribution to the surrounding open landscape of the AONB. Therefore, despite the presence of approved modern interventions, the proposed further changes, when taken together, have adversely affected the character and appearance of the dwelling and the AONB.
19. Accordingly, the proposal would conflict with LP saved policies GC1, H18 and LSQ1 and policies CS20 and CS22 of the Council's Core Strategy (2011), the Council's REHD SPD and the Framework. These seek, among other matters, for dormer windows to respect the scale and proportions of existing windows and for extensions to respect the scale and proportions of a building.

Other considerations

20. The submitted UU prevents the Appellant from implementing the garage approved in 2015. The Appellant states that this consent has been implemented through the digging of footings. Whilst the UU describes work to infill existing excavations, I saw no evidence of this on site. Without any clear corroborating evidence demonstrating that it has been commenced, it is unconvincing on the balance of probabilities, that this consent has not expired.
21. Furthermore, even if it could be lawfully implemented, the garage would be located in a relatively secluded part of the site, adjacent to landscape screening. Moreover, whilst the Appellant compares the floorspace of the garage (36 sqm) to the proposed changes (12.33sqm) it has not been shown how these sums have been calculated. Furthermore, a floorspace comparison alone does not acknowledge that the proposed changes are at first-floor level and include relatively bulky roof additions. Due to their elevated height and

scale, I find that the proposed changes would have a similar or marginally greater effect on the openness of the Green Belt than the garage. As such, for these reasons, the 'gain' to the openness of the Green Belt would only be afforded limited weight in favour of the proposal.

22. The Appellant explains that the unapproved works to the dwelling were undertaken at a time when he was in hospital, that construction took place during the Covid crisis, and the Appellant was persuaded by an unnamed source that the changes were necessary and insignificant. It also appears that the Appellant was informed that the Council's granting of retrospective permission would be 'inevitable'. Whilst sympathetic to the Appellant's position I have found limited evidence that the proposed changes could be deemed as necessary or insignificant, especially with respect to the first-floor extension.

Whether there would be Very Special Circumstances

23. 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.
24. 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. The proposal would also fail to accord with the character and appearance of the area and would not conserve the AONB, a harm of further great weight.
25. On the other hand, the other considerations I have identified are of limited to moderate weight in favour of the proposal. As such, the harms to the Green Belt and character and appearance of the area are not clearly outweighed by the other considerations identified. Consequently, 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

26. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

Ben Plenty

INSPECTOR