The Planning Inspectorate

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: 6th March 2023

Appeal Ref: APP/X0415/D/22/3302411
High Beeches, Ballinger Road, Lee Common, GREAT MISSENDEN HP16 9NE

- 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 & Dr Matt & Shiroma Minor & De Silva Minor against the decision of Buckinghamshire Council - East Area (Chiltern).
- The application Ref PL/22/0540/FA, dated 14 February 2022, was refused by notice dated 13 April 2022.
- The development proposed is the demolition of existing single storey structure, construction of a part single/ part two storey rear extension, first floor side extension, porch, alterations to roof and changes to windows and doors.

Decision

1. The appeal is allowed, and planning permission is granted for the demolition of existing single storey structure, construction of a part single/ part two storey rear extension, first floor side extension, porch, alterations to roof and changes to windows and doors at High Beeches, Ballinger Road, Great Missenden HP16 9NE in accordance with the terms of the application, Ref PL/22/0540/FA, dated 14 February 2022, and the plans submitted with it, subject to the following conditions:

    1) The development hereby permitted shall begin not later than three years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan as Proposed MHB-070-PL004, Proposed Elevations MHB-070-PL204 and Proposed floor plans MHB-070-PL104.

    3) The exterior of the development hereby permitted shall only be constructed in the materials specified on submitted Plan No. MHB-070-PL204 hereby approved and shall closely match the colour and texture of the materials used in the existing dwelling.

    4) The approved development shall not commence unless the Local Planning Authority has been provided with either: a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitat and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or b) a statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.

    5) Prior to the commencement of development, details of a bat loft, integrated bat boxes and integrated swift boxes shall have been submitted to and approved in writing by the Local Planning Authority. The

development shall proceed in accordance with the approved biodiversity features, which shall have been installed prior to the first occupation of the development and retained thereafter unless otherwise agreed in writing by the local planning authority.

Preliminary Matters

2. The site is on Ballinger Road, rather than Village Road as stated on the Council's decision notice, application form and officer report and is correctly referred to as Ballinger Road by the Parish Council. I have used Ballinger Road in my banner heading as this more accurately locates the site.

3. The Council's third RfR was concerned with the absence of the submission of ecological surveys. Bat surveys[1] have been submitted in support of the appeal. These found the presence of several roosts related to the common pipistrelles, Whiskered Myotis and Brown long eared bats. As the proposal includes the removal and replacement of the roof, all of these roosts would be affected. Accordingly, the works would require an application to Natural England for a European Protected Species License (EPSL). The EPSL would detail any mitigation and compensation work required and reduce the impacts to an acceptable low level to maintain the favourable conservation status of the bat population.

4. I am satisfied that the survey has been undertaken by a suitably qualified professional and that the works can progress under licence without causing demonstrable harm to the bat population. The Council's ecologist concurs with the approach advocated by the Appellant and recommends the imposition of two conditions if the scheme were allowed. On this basis the Council no longer seeks to defend RfR3. I see no reason in evidence to disagree with these conclusions. Accordingly, I shall consider this matter of dispute satisfied between main parties.

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 and if the proposal would be inappropriate development, whether any harm is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it; and

- The effect of the proposal on the character and appearance of the area, within the Chilterns Area of Outstanding Natural Beauty (AONB).

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

[1] Bat Emergence and Re-entry Surveys, by Arbtech, dated 26/6/22

GB13 explains that a proposed extension to a dwelling, within the Green Belt, will only be permitted where it meets a listed exemption. These exemptions 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.

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 largely consistent with the Framework.

8. The officer report estimates that the proposed development would increase the original dwelling by around 46%. Whilst the proposal includes various other works, including the neo-Georgian façade and crown roof, these would not materially add to the overall mass of the dwelling and would have a limited further effect on the size of the dwelling. As such, the overall conglomerate scale of all proposed development would consist of relatively modest and subservient additions.

9. Consequently, the proposal would not be disproportionate to the size of the original dwelling. As such, the proposal would not be inappropriate development and would comply with Paragraph 149(c) of the Framework and the Council's policies outlined above. Furthermore, as the proposal has been found to be not inappropriate it would not harm the openness of the Green Belt or the purposes of including land within it.

Character and appearance

10. Ballinger Road consists of clusters of housing in a rural setting. Dwellings consist of 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 recessed position, a sizeable distance from the highway. It can be seen in glimpses from Ballinger Road but is otherwise screened from views within the wider countryside. The dwelling is of a traditional 'arts and craft' style incorporating hipped, tiled roofs, dormer windows, brick stacks and employing traditional materials of brick and clay tiles. Due its architectural interest and position within a large plot, the dwelling makes a positive contribution to its countryside setting and the character of the area.

11. The Framework requires great weight to be given to conserving and enhancing the landscape and scenic beauty of AONBs. LP policy LSQ1 requires development in the AONB to conserve the special landscape character and high scenic quality of the area. This also requires proposed development to be in harmony with the local vernacular style of architecture.

12. 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. The Council's Residential Extensions and Householder Development (REHD) SPD 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.

13. The existing dwelling includes a formal symmetrical frontage with a large two-storey rear return creating a second important elevation that addresses the side garden and incorporates a row of first-floor dormer windows. The proposal would 'square-off' the floor plan and create more formal elevations that complement the original dwelling and maintain its character. The proposed alterations would also introduce a crown roof and a neo-Georgian facade. The proposed crown roof would be discreet, with the existing roof pitch maintained to form a largely discreet addition As such, these alterations would not engulf the existing dwelling and would maintain its general form and design. Consequently, the alterations would evolve the appearance of the dwelling, but integrate well with the building, adding further architectural interest and maintain its character.

14. The local built vernacular in the area consists of scattered housing within large plots. These are a variety of styles with key characteristics of large, detached houses on spacious plots consisting mainly of brick with tiled roofs. Whilst mainly of 'arts and crafts' style, there are several local examples of Georgian style dwellings. These examples of house design add to the overall interest and variety of housing seen locally. As such, the proposal would accord with the character of local housing development and complement the character and appearance of the area.

15. Accordingly, the proposal would comply with LP saved policies GC1, H15 and LSQ1 and policies CS20 and CS22 of the Council's Core Strategy (2011)(CS). These seek, among other matters, for extensions to relate well to the existing dwelling and adjoining streetscene and to respect its scale and proportions.

Conditions

16. It is necessary to apply conditions in connection with a commencement period and list the approved plans to accord with the Planning Practice Guidance. It is also necessary for materials to match the main dwelling in the interests of the character and appearance of the area. Furthermore, two conditions are necessary to ensure the Appellant demonstrates that a EPSL has been obtained and details of a bat roost within the roof are submitted in the interests of the protected species found on site and in compliance with CS policy CS24.

Conclusion

17. For the reasons given above, I therefore conclude that the appeal should be allowed, and planning permission granted subject to the listed conditions.

Ben Plenty

INSPECTOR