



Appeal Decision

Site visit made on 20 March 2023

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th April 2023

Appeal Ref: APP/K0425/D/22/3298900

30 Frieth Road, Marlow SL7 2QT

- 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 Ehson Alipour against the decision of Buckinghamshire Council.
 - The application Ref 20/07325/FUL, dated 7 September 2020, was refused by notice dated 18 February 2022.
 - The development proposed is side extension and external staircase to garage to create additional storage area above and six rooflights, increase roof height to existing side extension with 2 front and 4 rear roof lights to create additional storage area, provide sliding doors to existing storage area below terrace and alterations to front windows.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether the proposal is inappropriate development in the Green Belt, having regard to local and national planning policy;
 - if it is inappropriate development, its effect on the openness and purposes of the Green Belt;
 - the effect of the proposal on the landscape and scenic beauty of the Chilterns Area of Outstanding Natural Beauty; and
 - whether any harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances required to justify the proposal.

Reasons

3. Policy CP8 of the Council's Local Plan¹ (the LP) protects the Green Belt from inappropriate development. Under LP policy DM42(1)(b)(iii) a relevant exception to inappropriate development is for the extension of dwellings. In this case, it is subject to LP policy DM43(1)(e) which sets out that the total volume of the resulting building shall be no more than the volume of the original building plus 50%, and also LP policy DM43(3) in that development is required to respect the open character of the Green Belt and appear proportionate to the original dwelling, taking particular account of visual

¹ Wycombe District Local Plan August 2019

impact. LP policy DM42(2) confirms that inappropriate development will be refused unless very special circumstances exist, which it refers to as when the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4. The LP is broadly consistent with the National Planning Policy Framework (the Framework) in these regards, albeit that it does not reflect the precise wording of the exception at Framework paragraph 149 c); namely, that the extension of a building in the Green Belt should be regarded as inappropriate development unless it does not result in disproportionate additions over and above the size of the original building. The Framework does not refer to building 'volume'. I have taken these matters into account in my decision.
5. In its first reason for refusal the Council cited LP policy DM20 which applies Framework policy to certain development types. None of the types listed are relevant to this appeal.

Whether inappropriate development

6. The proposal would increase building volume over and above the original dwelling by at least 72% according to the Council; or the appellant says by 'less than 100%'. Either way, there is no dispute that the existing dwelling, which includes previous extensions granted planning permission, already exceeds the volume of the original dwelling by more than 50%.
7. In addition, the proposal would increase the height of the existing dwelling at each side. On one side a steeper front roof slope pitch would angle further forward and the ridge would protrude above the main ridge of the dwelling. On the other side a shallow, low pitched asymmetric roof would be replaced by a taller dual pitched front facing gabled roof with higher ridge. These parts of the resulting dwelling would also stretch further back in-depth on the site at a higher level. This would significantly increase the size of the external envelope and floorspace of the existing dwelling.
8. The impact of development on the openness of the Green Belt is implicitly taken into account in the relevant Framework exception in this case. It is not expressly stated in paragraph 149 c) as a determinative factor in gauging inappropriateness, as the appellant otherwise suggests.
9. The proposal would not, therefore, protect the Green Belt. The resulting dwelling would exceed, by substantially greater than 50%, the volume of the original dwelling so does not comply with LP policies CP8, DM42(1)(b)(iii) and DM43(1)(e). Furthermore, this disproportionate addition over and above the size of the original building conflicts with Framework paragraph 149 c). Accordingly, I find that the proposal would be inappropriate development in the Green Belt.

Effect on openness and purposes

10. Enclosing the existing lower ground floor storage area would have no tangible effect on openness because it is under the raised rear terrace. The side extensions would be built over parts of the existing dwelling so not enlarge its footprint. However, these would establish additional built form on the site at a higher level with appreciable vertical height and significant overall scale and massing where there is none at present. These parts of the site would no longer be open in any equivalent or comparative sense to their existing

condition, nor would they remain unchanged. This development would have a permanent innate spatial presence and a clear visual presence facing Frieth Road. It would result in a further spread of development on the site and, albeit a small loss, reduce the openness of the Green Belt which is one of its essential characteristics.

11. I find that the proposal therefore does not comply with LP policy DM43(3), which requires development to respect the open character of the Green Belt and is at odds with the Council's objectives for LP policy CP8 which are informed by an area assessment of the Green Belt purposes. It also conflicts with Framework paragraph 137 and a fundamental aim of Green Belt policy to keep land in the Green Belt permanently open; as well as paragraph 138 and a purpose of the Green Belt to safeguard the countryside from encroachment.

Chilterns Area of Outstanding Natural Beauty (the AONB)

12. The AONB is a nationally designated landscape. It has the highest status of protection in relation to conserving and enhancing its landscape and scenic beauty. Its distinctiveness includes small hamlets of ribbons of buildings along main streets on ridges which, despite infilling development, do not intrude significantly on the landscape and preserve vistas towards adjoining countryside.
13. The existing dwelling is in a ribbon of houses and bungalows along the east side of Frieth Road. The land behind them slopes down from this ridgeline towards a valley bottom and rises again across the far valley side. Though mostly individually designed and closely spaced, these dwellings mainly sit within their plots away from side boundaries. Many of the dwellings have a broadly similar pattern and sequence of taller central main roofs with, where present, lower, mainly hipped roof slopes or projecting gables at one or both sides. The gaps between dwellings and the sequence and pattern of roof form maintains a rural feel along the road, give a sense of spaciousness and allows longer distance views of the sky or the landscape beyond.
14. The existing dwelling has a modern architectural design with contemporary external materials. It is quite different in these respects to the mostly traditionally designed older or replacement dwellings near it, including on both sides; but no less compatible in these regards to some instances of similar modern dwellings in this ribbon of residential development. The proposed side extensions would complement the dwelling in these regards and consolidate some disparate parts of the building at the rear.
15. However, a long shallow main monopitch roof ridge and eave line stretches across most of the front elevation of the dwelling at two storey height. This roof form is repeated below at first floor level. This gives a clear horizontal emphasis to the dwelling, with a main taller central section stepping down to subservient single storey parts either side up to the site boundaries. In contrast, the proposed extension on one side would result in a small absolute vertical height increase but in scale and massing nevertheless project appreciably above and beyond the main roof. Despite a pitched gable roof the other side extension would significantly erode the existing step down in roof profile. There would be a notably greater vertical emphasis to these parts of the dwelling and to the dwelling overall.

16. Built form would not be closer to either adjoining dwelling or as would appear in perpendicular views. But taken with the increased depth of built form at the rear at this higher level, the more dominant part of the resulting building would reduce these gaps and spaciousness in angled views. This tighter arrangement of built form would unduly restrict views past the enlarged dwelling, including over parts of the roof, towards a skyline and the countryside beyond. It would give a bulkier appearance to the dwelling in relation to the adjoining dwellings and this part of the ribbon of residential development.
17. The taller side extensions and a greater impression of built form at either side of the dwelling would have a jarring presence, at odds with the existing dwelling and the broad prevailing pattern and sequence of roof form near it and elsewhere along the road. Moreover, the regular rectangular shaped front elevation profile of one extension would contrast manifestly with the dual pitch roof slope and gable of the other. This would give an incoherent and unbalanced appearance to the front elevation of the dwelling.
18. The existing dwelling works with the slope of the land, with a relatively low profile at the front inset into the slope down from the road and stepping down the slope at the rear and nestles into the streetscene. Its limited, receding presence would be undermined by the insensitive design and layout of the side extensions. These would not be a good fit on the site or well-integrated into the streetscene. This would adversely affect the visual amenity of the site in relation to its immediate surroundings, detract from sense of place and erode the character and appearance of this part of the countryside. Though set back from the road, the open plan front garden at the site and near it on both sides, and with an elevated vantage point from the road, mean that the side extensions would be conspicuous in the streetscene in public views in either direction.
19. I find that the proposal would not, therefore, conserve or enhance the landscape or scenic beauty of the AONB and cause significant harm to the AONB. It does not therefore comply with LP policies CP9, DM30, DM35 and DM36. These policies include that development in the AONB should achieve a high-quality sense of place and attractive buildings, including spaces around them, respect the character and appearance of an existing property and improve the local area in these respects, be subservient in scale, conserve the natural environment and where possible enhance natural beauty.

Other considerations

20. The Council granted planning permissions for development at No.32 Frieth Road next to the site². However, the initial replacement dwelling (not extensions to an existing dwelling) was considered under a different adopted development plan. The original dwelling was 'substantially smaller' than neighbouring properties and the Council allowed more than a 50% building volume increase. An amendment to the approved dwelling added 1.5m to the roof level to avoid a crown roof and was a small increase in building volume.
21. The appellant has concerns with the Council's assessment of a final application at No.32 for a side extension, but this is not a matter before me in this appeal. In any event that proposal also included a double detached garage. In further

² 18/07450/FUL, 8/07450/FUL and 19/07256/VCDN

- contrast to the current appeal, the plot at No.32 is wider, the dwelling doesn't stretch across all of it and is set much further back on the plot from the road.
22. The garage at No.26 Frieth Road on the other side of the site has a similar form to the closest proposed side extension. However, it is detached, significantly lower to eave and ridge levels and has much less scale and massing.
23. Planning permission was granted on appeal for development at No.44 Frieth Road³. However, this was also a replacement dwelling. This decision was made against a different adopted development plan which included a relevant exception for development that exceeded (then) floorspace increase limitations. It was also a previous national Green Belt policy regime. This dwelling was in any event split level with a single storey facing the road.
24. The development at nearby sites that I have been referred to is not, therefore, directly comparable. As such, I give little weight to these considerations in support of the proposal.
25. The additional storage facilities would add to the appellant's enjoyment and occupation of the dwelling. However, this would be a private, not public, benefit so has little weight in support of the proposal.

Green Belt Balance

26. The proposal is, by virtue of the side extensions, inappropriate development which is by definition harmful to the Green Belt. The limited harm to the openness and purposes of the Green Belt in this case is nonetheless at odds with local and national policy to protect the Green Belt. Any harm to the Green Belt is a matter that carries substantial weight. Additionally, there is significant harm to the AONB and the proposal would not protect a valued landscape; whereas great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.
27. The other considerations outlined above are therefore individually and cumulatively of insufficient weight to clearly outweigh the totality of the harm. Consequently, very special circumstances to justify the development do not exist. As such, the proposal does not comply with LP policy DM42(2), which states that inappropriate development will be refused unless there are very special circumstances, and it conflicts with Framework paragraph 148.

Planning Balance and Conclusion

28. The proposal does not accord with the development plan taken as a whole and it conflicts with the Framework. There are no additional considerations to outweigh these findings.
29. Consequently, for the reasons given above the proposal is unacceptable and the appeal does not succeed.

Robin Buchanan

INSPECTOR

³ APP/K0425/A/04/1152454