



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: 17th April 2023

Appeal Ref: APP/K0425/W/22/3302834

**Orchard Cottage, Radnage Common Road, Radnage, Buckinghamshire
HP14 4DH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr and Mrs Roskill against Buckinghamshire Council.
 - The application Ref 22/05524/FUL, is dated 25 February 2022.
 - The development proposed is described as 'alterations (including minor demolition) and extensions to a detached house and garage block'.
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Decision

1. The appeal is dismissed and planning permission for alterations (including minor demolition) and extensions to a detached house and garage block is refused.

Preliminary Matters

2. The Council did not determine the application within the statutory time limit. I have had regard to the two objections which would have been its reasons for refusal, as elaborated in its appeal statement. The appellant had the opportunity to consider these objections in making final comments, which I have taken into account.
3. While extensive in scope, the proposal is not for a replacement house or a replacement garage. I have considered the appeal on the basis of the description of development in the banner above, which is taken from the application form.

Main Issues

4. 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, including its effect on openness and purposes of the Green Belt;
 - 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

5. 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 potentially subject to LP policy DM43(1)(d) which sets out that where the total volume of the original dwelling is less than 240m³ the total volume of the resulting building shall be no more than 360m³; or (e) which for original dwellings between 240m³ and 270m³ the total volume of the resulting building shall be no more than the volume of the original building plus 50%.
6. It is also subject to LP policy DM43(3) 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 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.
7. The LP is broadly consistent with the Framework in these regards, albeit that it does not refer to the extension of buildings that are not dwellings or 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' and the LP does not refer to the exception at Framework paragraph 149 g) which includes the partial or complete redevelopment of previously developed land for the construction of new buildings which would not have a greater impact on the openness of the Green Belt than the existing development (in this case by alteration and extension).
8. I have taken these matters into account in my decision.

Whether inappropriate development

9. The Council calculates that the original dwelling on the site was around 240m³, so at the threshold of when the exceptions in LP policy DM43(1)(d) or (e) would be engaged. It has been extended and the existing dwelling is around 1000m³. The resulting dwelling would be approximately 1130m³. No alternative calculations have been provided. As set out in LP policy DM43 the volume of existing outbuildings will not be included in any calculations under this policy. On this basis, and either way, the resulting dwelling would substantially exceed the volumetric limitations in LP DM43(1)(d) and (e).
10. The floorplan and some single storey parts of the existing dwelling would be reduced by a modest amount. However, there would be significant increases in the width, length and height of some upper parts of the building in all four elevations, including taller eave and main ridge levels. This would appreciably increase the floorspace of the building and its external envelope. The additional

¹ Wycombe District Local Plan August 2019

scale and massing would give it a mainly full two-storey form rather than its mostly single-storey or one and a half-storey form.

11. There would, therefore, be a substantial increase in the size of the resulting dwelling. At lower ground level the detached garage would be slightly wider than the existing garage but much shorter with a large shallow pitched front roof removed. The largest slope of an asymmetric roof set back above would also be removed and there would be a smaller floorplan overall. This would give a moderate reduction in the extent and bulk of the garage. There is no evidence that taking the garage together with, or as part of, the dwelling would result in an overall net loss in building size at the site by any measure.
12. The dwelling is understood colloquially to be in Radnage village but is visually and physically discrete from the more intensely developed residential frontages elsewhere in Radnage Common Road and Green Lane. The site is not in a settlement with a defined boundary in the LP and this scatter of more sporadic buildings in the countryside at this lower end of Common Road is not sufficient to be a built-up area. Accordingly, the proposal would involve the partial redevelopment of previously developed land.
13. Part of the garage below ground would have little tangible effect on the openness of the Green Belt. The overall reduction in garage building volume would effect a commensurate increase on openness. However, and albeit over a largely unchanged floorplan and above existing parts of the dwelling, the alterations and extensions to it would establish significant additional built form 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.
14. This development would have a permanent spatial presence and a clear visual presence given the elevated siting of the dwelling on a level, open inset terrace of land set against the backdrop of the landscaped slope behind it. Albeit a small loss, this would reduce the openness of the Green Belt which is one of its essential characteristics. This further spread of development on the site would not safeguard the countryside from encroachment, which is a purpose of the Green Belt.
15. I have been referred to an appeal decision². In the extracts before me it is not clear if the circumstances of that case are directly comparable to the current appeal but the Inspector's findings on openness were evidently site and development specific. I have also been referred to some extracts from well-established caselaw³.
16. I find that by virtue of the proposed alterations and extensions the resulting dwelling would substantially exceed the volume of the original dwelling and not protect the Green Belt. The proposal does not comply with LP policies CP8, DM42(1)(b)(iii) and DM43(1)(d) or (e). Furthermore, this part of the proposal would be a disproportionate addition over and above the size of the original building so conflict with Framework paragraph 149 c). It would also have a greater impact on the openness of the Green Belt than the existing

² APP/C1950/W/19/3227024

³ *Euro Garages Ltd v SSCLG & Anor* [2018] EWHC 1753 (Admin) and *R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant)* [2020] UKSC 3

development and conflict with Framework paragraph 149 g). Accordingly, the proposal would be inappropriate development in the Green Belt.

Chilterns Area of Outstanding Natural Beauty (the AONB)

17. 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 characteristic traditional vernacular buildings. These range in style but have broadly consistent design details, similar materials and generally do not intrude on the landscape or open slopes.
18. Some of the mainly older dwellings in this lower part of Radnage Common Road have light-coloured painted brick, painted render or lime washed elevations. Most dwellings have articulated floor plans or elevations and hipped or gabled clay or slate tiled roofs with extensions at different heights, some bay windows and porches and chimneys. Windows are mainly white painted timber framed with individual tall casements split into multiple smaller windowpanes by glazing bars and arranged in line to form narrow, wide window openings. Some of these dwellings are sited more in-depth and recede away from the road on lower ground to the northwest or on higher ground to the southeast, including in short ribbons along the contours of the sloping land.
19. The existing dwelling has light coloured painted brick elevations and a clay tiled roof. The broadly long, narrow staggered rectangular floorplan, elevations and roof form is articulated by parts of the building at different heights with varied eave and ridge levels, ground floor bay windows, a front roof dormer, a shallow indented covered front porch and several chimneys. White painted timber framed windows with smaller panes are mostly horizontal in proportion. The building progressively steps down in height to the northwest from full two-storey to one and a half-storey then single-storey. It forms a short row of buildings with those next to it which follow the contour of the slope on lower ground further away from the road. Though established piecemeal, as also reflected in some of the structure and fabric of the building, the dwelling nonetheless therefore makes a positive contribution to the distinctiveness of the AONB.
20. Light colour lime washed brick elevations would be compatible with the appearance of existing dwelling and some others nearby, including next to it on one side. The floorplan would in essence remain the same, so too the mostly hipped roof form with clay tiles and unsympathetic PVC frames in a utility room and rear porch would be removed. The design and external materials would be intrinsically high quality and there is scope for modern, innovative contemporary architecture and external materials in the AONB.
21. However, the large expanse of the two-storey front elevation of the dwelling would be on the same plane and stretch across this entire part of the building. Notwithstanding the small indent at roof level, and otherwise not relieved by any bays, porch or chimneys, this would give an overly uniform and horizontal emphasis to this part of the dwelling. Most of it would be full two-storey height and so significantly increase the scale and massing of built form across this main aspect of the building including at this higher level. Albeit by a small amount, it would project above the existing main eave and ridge levels so step-up, not down. The single storey part at the northwest end of the dwelling would reduce built form here but be an unduly abrupt transition in building

height down to a low flat roof with a parapet wall. Dark aluminium window and door frames would have a prevailing vertical emphasis, not horizontal.

22. This extensive remodelling of the existing dwelling would involve the loss of bay windows, multiple chimneys, the front facing dormer, the interesting roofscape and any appreciation of the evolution of the dwelling over time. It would result in a fundamentally different dwelling in design and appearance. This taller and bulkier part of the building would project further northwest against the open landscaped slope behind and away from the road. This part of the proposal would, therefore, fail to respect important features of the existing dwelling or nearby dwellings and not be sympathetic to its surroundings or to the defining characteristics of the local area. This would undermine local distinctiveness and not add to sense of place.
23. As well as innate adverse impact on the AONB, part of the dwelling would be glimpsed in shorter views from parts of Radnage Common Road to the southeast, between or over existing buildings closer to the road and through gaps in boundary planting. The dwelling would be seen in longer views from some of the public footpath to the southwest of the site, especially in winter months when trees and other landscape features are not in leaf.
24. The removal of a distinctive asymmetric roof and a lean-to style sloping front roof (with its detracting felt roof tiles) would reduce the size of the garage and give it a more clearly subservient relationship to the dwelling, enhancing its setting. It would reflect the design of some other domestic outbuildings nearby, including in external materials which would maintain those used in the existing garage. A small area of lime washed brick would match the dwelling and not be overly conspicuous.
25. Nevertheless, I find that the proposed alterations and extensions to the dwelling would not conserve or enhance the landscape or scenic beauty of the AONB and as such cause significant harm to the AONB. The proposal does not therefore comply with LP policies DM30, DM32, DM35 and DM36. These policies include that development in the AONB should conserve the natural and built environment and respect natural beauty, achieve a high-quality sense of place and attractive buildings that respect the character and appearance of an existing property, protect and reinforce key characteristics of the receiving landscape and settlement pattern and improve the local area in these respects.

Other Considerations

26. The proposal would add to the appellant's growing family's enjoyment and occupation of the dwelling, including the internal layout and arrangement of living accommodation and associated use of the garage. It would also provide opportunity to look after older relatives. However, these are private, not public benefits and would be comparatively shorter-term outcomes than the otherwise permanent changes to development at the site. These personal circumstances therefore have limited weight.
27. The proposal would not harm any biodiversity interest at the site. This is a neutral factor in my decision. Framework paragraph 174 already requires that development should provide net gains for biodiversity. Although important, the enhancements in this case would be modest so have limited weight.

Other Matters

28. The appellant has concerns about how the Council provided pre-application advice and considered the application. These matters are beyond the scope of this appeal. Some local residents supported the proposal and Radnage Parish Council did not object but these are neutral factors in my decision. I have been referred to two appeal decisions⁴. However, the relevance of these has not been clearly explained and the decision letters are not before me in evidence.

Green Belt Balance

29. The proposal is, by virtue of the alteration and extension of the dwelling, inappropriate development in the Green Belt 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 nevertheless 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 as such 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.
30. 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. In this regard, 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

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

Robin Buchanan

INSPECTOR

⁴ APP/N0410/W/17/3173249 and APP/K0425/D/20/3254760