



Appeal Decision

Site visit made on 7 March 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th May 2023

Appeal Ref: APP/N0410/W/22/3299784

Wrango Cottage, Village Road, Denham UB9 5BE

- 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 Dan and Jackie Smith against the decision of Buckinghamshire Council - South Area (South Bucks).
 - The application Ref PL/21/1238/FA, dated 28 March 2020, was refused by notice dated 22 March 2022.
 - The development proposed is described as demolition of existing bungalow, garage, and outbuildings. Erection of replacement house, garage, and ancillary building comprising stables, home office, staff flat and storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed upon. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues of the appeal are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework), including the effect on the openness of the Green Belt;
 - the effect of the proposed development on designated heritage assets with particular regard to the Denham Village Conservation Area (CA) and nearby Grade II listed buildings; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

4. Policy GB1 of the South Bucks District Local Plan (Local Plan) sets out exceptions where planning permission will be granted for development in the Green Belt. It refers to replacement dwellings being permitted subject to complying with Policy GB11 of the Local Plan. Policy GB11 relates specifically to the rebuilding of dwellings in the Green Belt. Criteria include that the size of the replacement dwelling would be no greater than that of the original dwelling plus any extensions which would comply with the terms of policy GB10 or that of the existing dwelling if this would be larger than that permitted under that policy. As Policy GB10 relates to extensions it is not relevant as this proposal relates to a replacement dwelling.
5. I note the appellants' comments in relation to seeking pre-application advice with the Council and the assessment of subterranean extensions in relation to Policy GB11. However, as neither Local Plan Policy GB1 nor Policy GB11 refer to previously developed land or to very special circumstances they are not wholly consistent with the Framework, I afford the conflict with them moderate weight.
6. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Development within the Green Belt is inappropriate, with certain exceptions that are set out in Framework paragraphs 149 and 150. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The appellants' statement refers to the exceptions listed in Paragraph 149 at d) and g) and I find these to be the most relevant for the purposes of this appeal.
7. Exception d) relates to the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
8. The Framework does not provide a definition of what constitutes a materially larger replacement building. Part of the proposed dwelling would be below ground level. No substantive evidence has been put before me to show why this additional volume should not be considered in assessing if the proposed dwelling would be materially larger than the one it replaces. As such, I have considered the basement space to be provided as part of this assessment.
9. Taking into consideration the total floor space, width, and height of the proposed dwelling, it would be greater than that of the existing dwelling. I have not been supplied with any substantive evidence that even with the outbuildings to be removed and included within a volume/footprint calculation, the replacement dwelling would not be materially larger. In any event, mathematical calculations are not definitive in determining whether a replacement building would be materially larger. This is a matter of planning judgement and each case is assessed on its merits and is not influenced by previous appeal decisions.
10. Furthermore, when considering the repositioned building it would through its increase in eaves and ridge height, and a bulkier roof form, appear as a more prominent building than the existing bungalow. As such, I find that the scheme

would not accord with exception d) as the proposed dwelling would be materially larger than the one it replaces

11. Exception g) relates to limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use and in order to be acceptable, must not have a greater impact on the openness of the Green Belt than the existing development. Additionally, paragraph 137 of the framework states that the essential characteristics of Green Belts are their openness and permanence. An assessment of openness requires consideration of both spatial and visual aspects.
12. The repositioning of the replacement dwelling would cause it to extend further into the open area to the east of the existing dwelling. This would cause it to have a visual effect on openness. The proposed scheme would see the removal of a number of ancillary buildings and the proposal would partly offset this impact by improving openness elsewhere on the site. Given that these outbuildings are small and unassuming structures, their removal would not fully mitigate the impact of the larger dwelling proposed. As the effect of the proposed dwelling would only be perceived from limited vantage points, the adverse effect on the visual openness would be moderate. Additionally, the basement level would also be of substantial size and therefore have a moderate spatial impact on the Green Belt.
13. As aspects of the development would give rise to a greater impact on openness than the existing development, the scheme would not accord with the exception in Paragraph 149 g) of the Framework.
14. Consequently, the size of the proposed dwelling would be materially larger than the one it would replace and it would have a greater impact on the openness of the Green Belt. Therefore, the appeal development would be inappropriate development in the Green Belt in the context of the Framework. It would also conflict with Policies GB1 and GB11 of the Local Plan. However, as these are not wholly consistent with the Framework, I afford the conflict with them moderate weight.

Heritage

15. The appeal site is located within the CA. As such, I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance.
16. In addition, there are numerous nearby listed buildings. Of these heritage assets, the most likely to be effected by the proposed scheme is the wall on the northern boundary of the appeal site which is Grade II listed¹ (Wrango Cottage Wall). On the opposite side of Wrango Cottage Wall is another Grade II listed wall and gates² (Wrango Wall and Gates) which serves as the front boundary treatment for the Grade II listed building (Wrango). To the northwest of the appeal building is Grade II listed White Cottage. Given the presence of these heritage assets, I have had special regard to the desirability of preserving the buildings their setting and any features of special architectural or historic interest which they possess.

¹ Wrango Cottage Garden Wall

² Wrango Wall and Entrance Gates

17. The significance of this part of the CA lies largely in the form, scale, detailing and materials of its historical buildings of different ages and styles. Whilst there is a variety to the architecture, many of the properties are of traditional appearance and have a degree of consistency as they are largely parallel and face the road.
18. Both Grade II Listed Wrango Cottage Wall and Wrango Wall and Gates occupy a prominent position being located on Village Road, which serves as the main route through this part of the village. They derive their significance from their simple detailing, tall height and positioning adjacent to the footway, which reinforces the pattern of development found nearby of buildings closer to the road.
19. The Grade II listed building, the Wrango is an impressive example of period architecture. It derives its significance from its prominent position and arrangement over two-storeys and roof-level dormers. Unlike many other buildings nearby, it is set back from the road/footway, further adding to its appearance as an imposing building within its own grounds.
20. Adjacent to the Wrango is Grade II listed The White Cottage. The White Cottage is a one and a half storey brick-built cottage. It derives its significance from architectural detailing and modest proportions.
21. The appeal building in the context of the age of build development found nearby is of a more modern bungalow construction. It is somewhat at odds with the existing pattern and grain of development found along this section of the road in that its principal elevation does not face onto the road, and it is of single-story construction.
22. From my observations, the existing dwelling, given its orientation away from the road and modern appearance, fails to share any characteristics with the position or appearance of other buildings found nearby in the CA. Given that it is largely restricted from view by the existing boundary treatments, it makes a neutral contribution to the CA. I also note that the Denham Conservation Area Character Appraisal identifies the appeal building as being out of character, which reflects my findings.
23. The proposed dwelling would, as I have set out above, have a significantly larger volume than the existing dwelling. However, much of this additional volume would be located within the basement level. Even discounting, the further planting proposed, much of the dwelling would be hidden from view by Wrango Cottage Wall. As a result, the proposed building would not have a significantly greater presence when viewed from within the CA. As the proposed dwelling would share a similar relationship as the existing dwelling to Wrango Cottage Wall and Wrango Wall and Gates I find the proposal would not harm their setting or how they are experienced within the CA.
24. Furthermore, whilst matters of design and how closely the proposal would be of an Arts and Crafts style have been raised, I find that the incorporation of the proposed wide eaves, chimneys and the steep pitches of the roof would be in keeping with the variety of house and roof types found nearby in keeping with the wider CA.
25. It has also been raised, that the proposal would have a negative effect on how the CA and longer views outward are experienced from the Wrango and The

White Cottage. As I have set out above, the dwelling would be of a comparable height and whilst orientated to face the road, this would still provide broadly the same outwards views from the Wrango and The White Cottage such that how views are experienced from these heritage assets would not be negatively impacted. Additionally, given the distance and same low level of the roof from the appeal building, I find that there would be no harm to the setting of these listed buildings.

26. For the purposes of the Framework, the CA and listed buildings are designated heritage assets. Within the overall context, I consider that the proposal would, given the building it replaces and the location and style of dwelling proposed, preserve the character and appearance of the CA and the setting of nearby listed buildings.
27. Consequently, the development proposed would comply with Policy CP8 of the South Bucks Core Strategy³, which seeks to protect designated heritage assets. The proposal would also accord with the provisions of the Framework, in so far as it seeks to sustain and enhance the character and significance of the historic environment. The proposal would also accord with Policy DEN2 of the Denham Parish Neighbourhood Plan as it would maintain the essential character of the village.

Other Considerations

28. In support of the appeal, the appellants highlight that the removal of the existing dwelling in place of the proposed dwelling would be an improvement to the character and appearance of the CA and the setting of the nearby listed buildings. Whilst I have found the proposal would preserve the CA and setting of nearby listed buildings, this is a neutral matter and does not weigh in favour of the proposal.
29. The appellants also refer me to a potential fall-back position of development which could be undertaken under permitted development. Details of a certificate of lawfulness for a porch and rear extension have been provided. However, I note from the Council's statement that only the porch section was approved. For significant weight to be afforded to a fallback position, there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme. In this instance, whilst I find it is likely a porch could be built, this would be of a significantly smaller size and volume than the overall scheme proposed. Therefore, I attach little weight to this fallback position.
30. The proposal would provide economic and social benefits through the construction of the development and the additional contributions of the occupiers to the local economy. Given the scale of the proposed development, these contributions would be small. As such, I attribute these benefits limited weight.
31. My attention has been drawn to appeals⁴ relating to replacement dwellings within the Green Belt, and I have been provided with the Inspectors' decisions. From the limited information before me, the Inspector in the scheme at Lamont House found Policies GB10 and GB11 to be broadly consistent with the provisions of the Framework. However, given that the appeal did not include a

³ South Bucks Local Development Framework Core Strategy Development Plan Document

⁴ Ref: APP/N0410/W/21/3280468 and APP/J3720/W/17/3177670

basement level, I cannot be sure that the Inspector would have reached the same conclusion in this instance. In regard to the appeal at Four Winds, I note the Inspector found that the basement would have no greater impact on openness. This was because, in part, the replacement dwelling would be in a more confined area. I therefore cannot draw any direct comparison with the proposed dwelling, in this instance, would be in a more visible area of the appeal site. As such, I attach no weight to the findings of these appeals as they are not directly comparable to the proposed scheme.

32. My attention has also been drawn to applications⁵ approved by the Council. Based on the limited information before me, both schemes have not been fully considered against the exceptions listed within the Framework and whether the development would meet the relevant exceptions. Given, the conflict I have identified with Policies GB1 and G11, I attached limited weight to these decisions, particularly as they are some distance from the appeal site and not directly comparable to this location. In any event, I have assessed the proposed scheme on its own merits and found there would be moderate harm to the Green Belt.
33. The example decision provided for Brackenwood Ref19/0576/FUL was for an extension and not a new dwelling. It was therefore assessed against Policy GB10, which for the reasons set out above, is not comparable in this case. I therefore, attach no weight in favour of the proposal to this example.
34. I acknowledge that the appellants seek to be closer to family members and have an active role in looking after their grandchildren. However, these are private benefits, and in the absence of any evidence to demonstrate there are no alternative options, I attach little weight to this matter.
35. Taking all the above into consideration and the harm to the Green Belt I have identified, I am not persuaded that all of the above considerations would outweigh the substantial weight that should be given to any harm to the Green Belt.

Conclusion

36. The proposed development would accord with the development plan and the Framework with regard to its effect on designated heritage assets. However, the proposal would be inappropriate development in the terms set out by the Framework and would result in a dwelling materially larger than the one it replaces and result in a harmful loss of openness to the Green Belt.
37. The Framework requires that substantial weight should be given to any harm to the Green Belt.
38. For the reasons set out above, the harm to the Green Belt would not be clearly outweighed by the other considerations and, therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated. Consequently, the appeal is dismissed.

A Hickey

INSPECTOR

⁵ Ref: 11/01842/FUL & 14/01723/FUL