



Appeal Decision

Site visit made on 19 April 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 June 2023

Appeal Ref: APP/N0410/D/22/3307627

**The Cottage, Dukes Valley, Windsor Road, Gerrards Cross,
Buckinghamshire SL9 8SR**

- 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 Loomes against the decision of Buckinghamshire Council - South Area (South Bucks).
 - The application Ref PL/22/1462/FA, dated 25 April 2022, was refused by notice dated 4 July 2022.
 - The development proposed is a two-storey side extension and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey side extension and single storey rear extension at The Cottage, Dukes Valley, Gerrards Cross, Buckinghamshire SL9 8SR in accordance with the terms of the application, Ref PL/22/1462/FA, dated 25 April 2022, 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 plans;
 - Drawing No. DV PA 02 Rev A – Proposed Floor Plans and Elevations
 - Drawing No. DV PA 03 Rev A - Location Plan and Site Plan
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposal 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 of the proposal on the openness of the Green Belt;

- Whether any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

3. Paragraph 149 indicates that the construction of new buildings within the Green Belt is inappropriate development. However, there are several exceptions set out in Paragraph 149 which are not regarded as inappropriate, one of which relates to the extension or alteration of a building. This applies on the proviso that the development would not result in disproportionate additions over and above the size of the original dwelling. Policy GB1 of the South Bucks District Local Plan 1999 (Local Plan) broadly conforms to the national Green Belt policy objectives in this regard.
4. Local Plan Policy GB10 relates specifically to extensions to dwellings in the Green Belt. Amongst other criteria, Policy GB10 indicates that residential extensions must be of a small scale in relation to the size of the original dwelling. Although the term small scale is not explicitly defined, the supporting text to Policy GB10 indicates that any extension which would result in the original dwelling having increased its floorspace by more than half will not be regarded as small scale.
5. Based on the evidence before me, the resultant floor space would be in excess of 50% of the original dwelling. For this reason, I conclude that the proposal would not represent a small-scale addition to the original dwelling, nor would it meet the test of proportionality as set out within the Framework. Accordingly, the proposed development would comprise inappropriate development in the Green Belt. It would therefore conflict with Policies GB1 and GB10 of the Local Plan and paragraph 149 of the Framework in this regard.

Openness

6. A fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is an essential characteristic and can be perceived both visually and spatially.
7. The proposed development would introduce a two-storey side extension and increase the scale of the existing single storey rear extension. By occupying space that is currently undeveloped, the development would result in the loss of openness which would be visible from Dukes Valley and to a lesser extent from the wider area. Whilst the loss of openness would be relatively limited, it would nevertheless be material. Consequently, the proposed development would cause harm to the openness of the Green Belt contrary to the protection aims of the Framework.

Other considerations

8. My attention has been drawn by the appellant to a Lawful Development Certificate (LDC) and planning permission¹ which relate to similar developments to that proposed. It is my understanding that either of these schemes could be implemented.

¹ PL/22/0874/SA and PL/22/2402/FA

9. In granting the 2022 planning permission, the delegated report confirms that the proposal would be regarded as inappropriate development in the Green Belt. However, by virtue of the earlier LDC, the Council concluded that very special circumstances existed and thus inappropriate development in the Green Belt was justified. The LDC remains a relevant consideration and for the purposes of this appeal, I have had regard to this as the fallback position.
10. Whilst it may be the case that the appeal proposal would have a greater first floor area, the fallback position would result in a cumulatively larger development. Moreover, by virtue of the overall mass and form of the LDC development, it would have a greater visual and spatial presence than the appeal proposal and would reduce the openness of the Green Belt to a greater extent. Were the appeal to fail, the evidence indicates that there is a realistic possibility that the development detailed within the LDC would be implemented. As such, I attribute significant weight to the fallback position.

Green Belt Balance

11. The proposal would be inappropriate development in the Green Belt. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that harm. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
12. The appeal proposal would result in a disproportionate addition to the original building in so far as it would not be small-scale. It would therefore amount to inappropriate development in the Green Belt. In addition, there would be harm to the openness of the Green Belt.
13. However, I give significant weight to the potential fallback position which could be implemented. For the reasons outlined, this would have a greater effect on the openness of the Green Belt when compared to the appeal scheme. I find that this other consideration is of sufficient weight to clearly outweigh the substantial harm to the Green Belt by reasons of inappropriateness and the effect on openness. As a result, very special circumstances exist to justify inappropriate development in the Green Belt. Therefore, whilst there would be conflict with the development plan, the balance of planning considerations in this case leads me to the view that the appeal should succeed.

Conditions

14. I have had regard to the various planning conditions suggested by the Council and have considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.
15. In addition to the standard time limit condition, and in the interests of certainty, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. I have also imposed a condition requiring the use of matching materials in order to safeguard the character and appearance of the dwelling and the surrounding area.
16. A condition restricting the future enlargement, improvement or alteration of the dwelling has been recommended by the Council. Whilst I acknowledge that the scope of permitted development rights could potentially allow a further extension to the dwelling which may not be small scale for the purpose of Local

Plan Policy GB10, I am also mindful that the GDPO² has not withdrawn (in total or part) such rights in the Green Belt. Further to this, Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so. Based on the available evidence together with the above and the advice set out within the PPG, I am not persuaded that there is sufficient justification. Therefore, the condition would fail the tests of reasonableness and necessity.

17. A further condition requiring the removal of any previous extensions constructed in accordance with permitted development rights has also been recommended. However, based on the proposed plans, it appears to me that the existing extension would be incorporated into the appeal development, whether this is to be demolished and rebuilt or remodelled. On this basis, the recommended condition is not necessary.

Conclusion

18. For the reasons outlined above, having regard to the development plan as a whole and all other relevant material considerations, including the Framework, the appeal is allowed.

H Wilkinson

INSPECTOR

² Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended)