



Appeal Decision

Site visit made on 18 July 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/X0415/W/22/3313530

Firs Corner, Burtons Lane, Chalfont St. Giles, Buckinghamshire HP8 4BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mrs Jane Selby against the decision of Buckinghamshire Council.
- The application Ref PL/22/2282/FA, dated 13 June 2022, was approved on 2 November 2022 and planning permission was granted subject to conditions.
- The development permitted is side and rear extension and roof alterations to allow additional habitable accommodation including raising the ridge height and installation of front and side dormer windows. Changes to windows and doors. Demolition of garage conversion.
- The condition in dispute is No 3 which states that: No development to the proposed extensions shall take place until the existing front garage conversion built form denoted on Plan No. 05A (received 16th June 2022) has been demolished in its entirety. All materials resulting from the removal/demolition of the building shall be removed from the site by the substantial completion or occupation of the development hereby permitted, whichever is the sooner
- The reason given for the condition is: to ensure that the development does not result in a disproportionate addition within the Green Belt and that the external appearance of the development is not detrimental to the character of the locality.

Decision

1. The appeal is dismissed.

Background and Main Issues

2. Planning permission for development described in the banner heading was approved on 13 June 2022. This planning permission included a number of conditions, one of which requires that no development take place until the existing front garage conversion has been demolished.
3. The Council's statement indicates that the condition is necessary to ensure that the proposal does not comprise inappropriate development in the Green Belt including the effect on the openness of the Green Belt. This is consistent with the reasons for the condition given on the decision notice. Taking the above into account the main issue is whether the condition is reasonable or necessary with regard to the effect on the Green Belt.

Reasons

4. The appeal site comprises a dwelling which is situated in the Green Belt. The dwelling is set back from the site boundary and occupies a corner plot at the junction of Burtons Lane and Lodge Lane. The site slopes gently upwards to the rear and the appeal property is accessed by 3 steps to the front. The property has been extended to the northeast and northwest elevations. The appeal site

contains a number of trees and is lined by a thick screen of vegetation along the site boundaries.

5. Policy GB2 of the Chiltern District Local Plan (1997) (LP) indicates that there will be a general presumption against development that would conflict with the purposes of the Green Belt and planning permission for inappropriate development will be refused subject to a number of exceptions, one of which is the limited extension, alteration or replacement of existing dwellings. In accordance with paragraph 149 of the National Planning Policy Framework (the Framework) the extension or alteration of a building is not inappropriate development in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building.
6. LP Policy GB13 goes on to state that planning permissions will be granted for extensions to dwellings which are subordinate to the size and scale of the original dwelling taking into account the cumulative effect on the size and scale of the original dwelling. The term 'disproportionate' is not defined in the Framework, however the supporting text to LP Policy GB13 states that 'subordinate' means that the proportion of increase in the size of the dwelling resulting from the extension should be modest and not significantly and materially alter the character of the dwelling in terms of its size, proportions, design and appearance.
7. The planning permission would result in an incremental increase in floor area of the building and would also utilise existing unused roof space. Additionally, based on my observations during my site visit, the extended appeal property would be smaller than many other dwellings in the surrounding area. Nonetheless the extensions and alterations would result in a significant increase in the floor area of the original dwelling. The Council considered that this would result in disproportionate additions over and above the size of the original building but that the proposed removal of the existing garage would offset this harm and therefore comprised 'very special circumstances'.
8. Whilst the garage is not a new structure and is set down from the ridge line of the appeal property, it is located to the front of the dwelling where its bulk and massing are prominent in views from the site access and are clearly visible through gaps in the vegetation from Burtons Lane. The retention of this garage, in combination with the other works described in the banner heading, would increase the bulk, massing and height of the dwelling resulting in a disproportionate extension which would materially alter the character of the dwelling in terms of its scale. This would result in a reduction in the spatial and visual aspects of the openness of the site. I attach moderate weight to the additional harm to the openness of the Green Belt arising from the retention of this built form.
9. The appellant states that the retention of the garage would assist in providing access to the dwelling for a family member who, due to health reasons, would benefit from level access to the property. Accordingly, the development would bring demonstrable social benefits for the appellant's family. These are personal circumstances to which I attribute weight in favour of the appeal. I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which specifies the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected

characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act. Nonetheless, there is no particular evidence that the garage is the only means of achieving level access to the dwelling. I therefore give limited weight to this benefit. Additionally, whilst I note that it is planned for the roof extension to accommodate a carer for the appellant's family, this already benefits from planning permission. Therefore, I attribute no weight to this benefit.

10. The appellant has drawn my attention to other properties in the area with garages or outbuildings to the front of the dwellings¹ which it is stated do not harm the Green Belt. Additionally, my attention has been drawn to planning applications for extensions to nearby dwellings in the Green Belt² which, it is stated, add additional bulk to the properties. Whilst the full details of these cases are not before me, there is no particular evidence that these properties have been extended to the extent of the appeal property. Thus, these cases do not appear to be directly comparable to the appeal proposal.
11. My attention has been drawn to an appeal in the Green Belt³ for 480 houses in which the Inspector found that the benefits of the proposal comprised very special circumstances. Whilst this proposal would result in the loss of existing high quality thermally upgraded residential accommodation, nonetheless, given the small scale of the proposal, the weight to be attributed to this primarily personal benefit is not comparable to the weight the Inspector attributed to the significant social, economic and environmental benefits in that appeal decision for major housing development. Thus, this case does not appear to be directly comparable to the appeal proposal.
12. The removal of the condition and retention of the garage would result in inappropriate development in the Green Belt. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that substantial weight should be given to any harm to the Green Belt. No other considerations have been shown to comprise very special circumstances which would outweigh the harm to the Green Belt. Therefore, the condition is necessary to make the development acceptable with regards to the effect on the Green Belt. Consequentially, the proposal would result in inappropriate development in the Green Belt which would result in harm to the openness of the Green Belt and thus conflicts with Chapter 13 of the Framework and LP Policies GB2 and GB13.

Conclusion

13. I have found conflict with the development plan and there are no material considerations which have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

Nichola Robinson

INSPECTOR

¹ Roughwood Cottage, Roughwood Lane and Roughwood Roughwood Lane

² Application references CH/2001/1700/FA, CH/2006/0853/FA, CH/1990/0970/FA, CH/2018/0069/FA and CH/2012/1774/FA, CH/1983/1107/FA, CH/1983/2083/FA

³ Appeal reference APP/X0415/W/22/3303868