



Appeal Decision

Site visit made on 14 July 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 03.10.2023

Appeal Ref: APP/X0415/D/23/3316731

Bracken View Hawridge Common, Hawridge, Buckinghamshire HP5 2UQ

- 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 David Billingham and Colin Stewart against the decision of Buckinghamshire Council.
 - The application Ref PL/22/0961/FA, dated 17 March 2022, was refused by notice dated 9 December 2022.
 - The development proposed is a ground floor extension and separate first floor extension with amendments to fenestration on side elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As the appeal site is located within a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate in the Green Belt having regard to the National Planning Policy Framework and any other relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area, having particular regard to the effect on the Cholesbury & Hawridge Conservation Area and the Chilterns Area of Outstanding Natural Beauty;
 - whether the proposal would provide acceptable living conditions for the existing occupants of Ridge Cottage, with respect to privacy; and
 - if the proposal is inappropriate development, whether the resulting harm and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Is the development inappropriate?

4. The National Planning Policy Framework (Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. 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.
5. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. Relevant exceptions include paragraph 149(c), the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, and paragraph 149(e) limited infilling in villages.
6. Saved policies GB2 and GB13 of the Chiltern District Local Plan (CDLP), which was originally adopted 1 September 1997 and includes alterations adopted 29 May 2001, broadly conform to the general thrust of Framework paragraph 149(c) in so far as they support the limited extension or alteration of existing dwellings where this would be subordinate to the size and scale of the original dwelling. However, Policy GB2c) differs from the Framework wording as it applies only to dwellings rather than buildings. Furthermore, in applying different approaches to extensions in different areas, saved policies GB12 and GB13 of the CDLP go beyond the Framework wording.
7. Similarly, I agree with the appellant that by restricting the areas to certain specified built-up areas where limited infilling could be considered not inappropriate development subsection (d) of saved policy GB2, and related saved policy GB23, are inconsistent with Framework paragraph 149e).
8. The CDLP predates the latest version of the Framework, and bearing in mind their inconsistency with it, I have given limited weight to saved policies GB2, GB12, GB13 and GB23, and have determined this appeal based on the wording in the Framework.
9. Framework paragraph 149e) allows for limited infilling in villages, but even if I accept that the appeal site is located within a village, I am not persuaded that the proposal involves limited infilling.
10. Although the terms limited and infilling are not defined in the Framework, a generally accepted definition of infilling is the development of a relatively small gap between buildings. Having regard to the location of the proposed development and its relationship to other properties along the same frontage and bearing in mind the proposed extensions would be to the rear of the existing property, the proposal would not involve infilling.
11. The appellant has drawn my attention to a previous appeal decision at 53 Langley Grove, Sandridge in which an extension was considered to be limited infilling. However, in that case, the proposal involved a side extension that would partially close a gap between buildings. For the reasons explained above,

the proposal before me is materially different as it would not close a gap between buildings, and therefore the other appeal referred to does not alter my view that the proposal would not amount to limited infilling.

12. I turn now to consider the other exception, which is whether the proposal would result in disproportionate additions over and above the size of the original building. Although the Framework does not provide a definition of 'disproportionate additions', local interpretation is provided in saved policy GB13 of the CDLP, which sets out that the Council will permit extensions to dwellings which are subordinate to the size and scale of the original dwelling. The explanatory text explains that 'subordinate' means that the proportion of increase in the size of the dwelling resulting from the extension should be modest.
13. The term 'original building' is defined in the Glossary to the Framework as a building as it existed on 1 July 1948, or if constructed after 1 July 1948, as it was built originally. According to the Council, the appeal property was converted from a shop to a dwelling in 1985, at which time it had a floorspace of around 65 sq.m. I note that the building was extended three times prior to that, in 1959, 1961 and 1983. These earlier extensions would have increased the size and scale of the original building, but as I do not have details of these additions, I have used the 1985 position as the starting point for this appeal.
14. The Council has set out that, since 1985, the building has been extended several times, the effect of which has been to increase the floorspace by approximately 30 sq.m. The appeal proposal would see the existing property extended to the rear at ground and first floor level, which would add approximately 21 sq.m. Overall, the previous and proposed extensions would result in an increase in floorspace of about 78% compared to the size of the building when converted in 1985.
15. The proposal would also increase the footprint of the appeal property and add volume to the rear at both ground and first floor level. When taken together with the previous extensions, the size of the property would increase by a substantial amount which I find would be a disproportionate addition over and above the size of the building as it existed in 1985. If the earlier extensions were taken into account, the scale of the increase over and above the original building would be even greater.
16. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would fail to meet the exception set out in Framework paragraphs 149c) and e) and would conflict with the relevant parts of saved policies GB2 and GB13 of the CDLP.

Openness

17. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Spatially, the overall increase in floor space would be significant. The footprint of the building would also be increased and by occupying space that was previously undeveloped, the proposed development would harmfully reduce the openness of the site. Visually, being to the rear, the proposed extensions would have limited presence in public views, although a limited view would be possible across the existing driveway. Nonetheless, overall, there would be modest harm to openness to which I give substantial weight.

Character and appearance

18. The appeal site is located within the Cholesbury & Hawridge Conservation Area (C&H CA), which encompasses the two linear villages of Cholesbury and Hawridge, set within the attractive countryside of the Chilterns Area of Outstanding Natural Beauty (AONB). Built form within the C&H CA includes traditional rural cottages and farm buildings which vary in age, style and materials, some dating back to the 16th century. The buildings are generally well set back from the road, and the gaps between them contribute significantly to the character of the area. Much of the built form is located along the southern side of the road. Along the northern side, in places, the open spaces of Cholesbury and Hawridge Commons provide extensive views to the countryside beyond.
19. From my observations, and the C&H CA Report, the significance of the C&H CA derives from the enduring historic pattern of development within its wider landscape setting, and the variety and interest in the built form, which provide both aesthetic and historical value.
20. The appeal property comprises an end terrace period property, set back from the road with other similar properties in the same row. Unlike the other houses, the appeal property has a significant single storey element that projects from the front elevation, but nevertheless due to the use of similar architectural design, materials and fenestration the row of houses appear as a coherent group of buildings with a uniformity of design features that due to their scale and form make a positive contribution to the character and appearance of overall sense of place of the C&H CA and the AONB.
21. As set out above, the proposal would involve a single storey extension and a separate first floor extension to the rear. Both have been sensitively designed and would appear as harmonious additions to the host building and would fit in well with adjoining properties. In particular, although the Council consider that they are subtly different, the first floor rear extension would not create a large bulky addition to the rear but rather would be entirely compatible with the design of the rear extension at the neighbouring property, Ridge Cottage, in terms of its scale, architectural design, depth, rearward projection and location.
22. Similarly, as recognised by the Council, the proposed single storey element would be the same depth as that recently granted permission at Ridge Cottage and given the proposed architectural design, use of appropriate materials and the suitable scale of this element it would also fit well within this setting and would not harm the character and appearance of the area. The gap between the existing house and the adjacent former school building would be retained and the effect on the character and appearance of the C&H CA would be neutral.
23. Further, given that finding and as the proposal would be located to the rear of the appeal property and would have limited presence in public views, it would not harm the landscape or scenic beauty of the AONB.
24. I therefore conclude that the proposal would preserve the character and appearance of the area and the Cholesbury & Hawridge Conservation Area. It would conserve the landscape and scenic beauty of the Chilterns AONB. As a result, the proposal would accord with saved policies GC1, LSQ1, H15, CA1 and CA2 of the CDLP and policies CS20, CS21, and CS22 of the Core Strategy for

Chiltern District adopted November 2011 which are consistent with the Framework and amongst other things seek to ensure that extensions are designed to a high standard that respects the character of the area and would be in keeping with the existing dwelling and other buildings in the area. These policies also seek to preserve or enhance the character and appearance of the C&H CA and conserve the special landscape character and high scenic quality of the AONB.

25. The proposal would also accord with paragraphs 130 and 176 of the Framework which seek to ensure development is sympathetic to local character and conserves and enhances the landscape and scenic beauty of the AONB.
26. The Council have cited saved policies GB2 and GB13 of the CDLP in their reason for refusal. However, as these deal with Green Belt matters, they are not strictly relevant when considering the effect of the proposal on the character and appearance of the area. The Council have also cited saved policy H16 in their reason for refusal which deals with the distance between a flank wall and the boundary of a dwellings curtilage and is not relevant here.

Living Conditions

27. The proposed first floor extension would introduce an additional rear facing window that would be located further back on the plot and would be closer to the common boundary with Ridge Cottage than the existing situation. However, the proposed relationship would not be unusual in a residential area and any views towards the garden area of the neighbouring property would be oblique and would not result in harmful overlooking or an unacceptable loss of privacy.
28. I therefore conclude that the proposal would provide acceptable living conditions for the existing occupants of Ridge Cottage, with respect to privacy. It therefore accords with saved policies GC3 and H14 of the CDLP which are consistent with the Framework and amongst other things seek to protect the amenities of existing adjoining and neighbouring properties and would not result in a significant reduction in privacy. The proposal would also accord with the Framework which seeks to retain a high standard of amenity for existing and future users.
29. In their reasons for refusal the Council have cited saved policy H13 of the CDLP which deals with extensions that are either outside the Green Belt or are in specific areas within the Green Belt. As the appeal site is not within such an area it is not relevant here.

Other Considerations

30. I fully accept that given their particular circumstances the appellants would like more space. I also understand that they would like to stay living in the village as moving would cause upheaval for them and their family. I also note that their neighbours support the proposal.
31. I have had regard to the relevant development plan policies and the Framework, which aims to protect the Green Belt in the public interest. Overall, the unacceptable harm that would be caused to the Green Belt outweigh any benefits to the living arrangements and the support of their neighbours.

Other Matters

32. I note that the Council has indicated that the proposal would not comply with ecological policies but did not include this as a reason to refuse the application. Given that I am dismissing the appeal for other substantive reasons it has not been necessary to consider this matter further.

Green Belt Balance and Conclusion

33. I have found that the proposed extensions would be inappropriate development in the Green Belt and harmful to the Green Belt by definition. As required by Framework paragraph 148, I attach substantial weight to the harm caused to the Green Belt by reason of inappropriateness.
34. The proposal would preserve the character and appearance of the C&H CA and conserve the landscape and scenic beauty of the Chilterns AONB and would provide acceptable living conditions for the existing occupants of Ridge Cottage, with respect to their privacy. However, the absence of harm in these respects does not carry positive weight in favour of the development.
35. I find there are no other considerations in this case that clearly outweigh the harm the development causes to the Green Belt by virtue of inappropriateness and to openness. Consequently, the very special circumstances necessary to justify the development do not exist and the appeal is dismissed.

S Rawle

INSPECTOR