



Appeal Decision

Site visit made on 3 October 2023

by J Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2023

Appeal Ref: APP/K0425/D/22/3307290

2 The Stables, Downley Common, Downley, HP13 5YN

- 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 Mrs V Kelly against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application Ref 22/06206/FUL, dated 3 May 2022, was refused by notice dated 8 August 2022.
 - The development proposed is described on the application form as 'single storey side extension.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - whether the proposed development would be inappropriate development in the Green Belt (GB);
 - the effect of the proposal on the openness of the GB;
 - the effect of the proposal on the character and appearance of the Chilterns Area of Outstanding Natural Beauty (AONB);
 - whether the proposed development would preserve or enhance the character or appearance of the Downley Common Conservation Area (CA), and ;
 - if the proposed development is inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances necessary to justify it.

Reasons

Whether Inappropriate Development

3. The appeal site comprises of a dormer bungalow, a drive leading to it and a garden mainly laid out as lawn, to the side and rear. The dwelling has accommodation at the ground floor level, within its roof space and at a lower basement level. There is a significant drop in ground levels from the private access road located at the front of the property to the bottom of the garden. At the bottom of the garden is a modest sized timber outbuilding.

4. The National Planning Policy Framework (the Framework) makes clear at paragraph 149 that the construction of new buildings in the GB should be regarded as inappropriate. One of the exceptions to this is 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. Policies CP8 and DM43 of the Wycombe District Local Plan (adopted August 2019) (LP) are broadly consistent with the Framework in this regard.
5. Policy DM43 of the LP indicates that when the volume of original dwelling is between 240 and 720 cubic metres, the extension of the dwelling will only be considered appropriate development in the GB, if the total volume of the resulting building is no more than the volume of the original building plus 50%. The policy explicitly excludes the volume of existing outbuildings in any calculations. In all cases the policy requires the development to respect the open character of the GB and appear proportionate to the original dwelling, taking particular account of visual impact.
6. The Framework defines 'original building' as meaning the building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally.
7. The main parties agree that the original building had a volume of approximately 316 cubic metres and that the volume of the proposed extension would be in the region of 152 cubic metres. Using these figures, the proposed extension would result in an addition of around 48.1%, when compared with the original building. I have no reason to dispute the figures that have been specified.
8. Whilst accepting that the proposal falls within the volumetric parameters set out in Policy DM43, the second part of the policy requires me to consider the impact of the proposal on openness and its relationship to the original property taking particular note of the visual impact. I consider this matter in greater detail below.

Openness

9. Openness is an essential characteristic of the GB, which has a spatial aspect as well as a visual impact. Policy DM43 specifically requires development within the GB to respect its open character. In this regard the proposal would fill a large part of the gap between the host property and the neighbouring property Hillcot. The loss of the space between the buildings would reduce both visual and spatial openness.
10. Notwithstanding the above, on my site visit, I observed that there would be limited views of the appeal property, and the proposed development, from the nearby road due to the presence of an existing boundary fence. Moreover, views of the proposed development from nearby public rights of way would be over a long distance and would be restricted by the topography and vegetation. Nevertheless, and noting my reasoning in paragraph 9, gaps between properties are features which contribute to the open character of the area and enable an appreciation of the openness of the Green Belt.
11. In light of the above, I accept that the impact of the proposal on the openness of the GB would be limited and localised. Nevertheless, harm to openness would result to the GB, and I am directed by paragraph 148 of the Framework to give 'substantial weight to any such harm'.

Character and appearance of the Chilterns Area of Outstanding Natural Beauty

12. The appeal site is located within the Chilterns Area of Outstanding Natural Beauty¹. Paragraph 176 of the Framework identifies that the planning system should protect and enhance valued landscapes and great weight should be given to conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty.
13. The proposed extension would be located between the host dwelling and Hillcot which is located to the south. The scale of the development is not significant in relation to the AONB as a whole and there would be no encroachment into the open countryside. Moreover, existing trees and shrubs in the locality, would limit views from the west, north and east and provide a verdant backdrop for the proposed development.
14. In light of the above I conclude on this main issue that the proposed development would not cause significant harm to the distinctive landscape character of the AONB. Consequently, I find no conflict with LP Policy DM30 and DM32 or the Framework which, amongst other matters, aim to protect or conserve the existing landscape character.

Character or appearance of the Downley Common Conservation Area

15. The Downley Common Conservation Area mainly comprises of older traditional dwellings mainly in rows within semi-naturalised surroundings. An open cricket ground provides a central focus to the CA. The openness of the central area, the woodland area to the north of the CA, the informal layout of the settlement and the varied design of the buildings, combine to provide an attractive setting for the host property. The properties in the immediate vicinity of the appeal site are predominantly detached or semi-detached dwellings, with the majority being two storeys in height. They are constructed in a traditional manner with hipped or gabled roofs, are set back from the road a modest distance behind landscaped front gardens and are accessed from an unmade track. These historical and architectural qualities make an important contribution to the CA's significance and special interest.
16. The host property, created from the conversion of a former garage, represents a more modern addition to the area. Nonetheless, the open appearance and largely undeveloped nature of the plot, makes a positive contribution to its edge of settlement location.
17. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets is set out in the Framework. At paragraph 197, it sets out matters which should be taken into account including the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.

¹ Areas of Outstanding Natural Beauty are designated for the purposes of conserving and enhancing natural beauty and Section 85(1) of the Countryside and Rights of Way Act 2000 place a duty on me to have regard to these purposes in this decision.

18. The proposed extension would represent a significant increase in the width of the properties front elevation. I also note the incorporation of hipped roofs for the extension, which appears to have been designed reflect features found on the host property. That said, given the limited height of these roof features relative to the roof found on the host property, the extension would still give the appearance of a large flat roofed addition. This would be at odds with the design of the host property and other dwellings in the immediate locality. As a result, the proposed extension would appear as an incongruous and discordant feature within the streetscene.
19. I agree with the Council that the harm to the CA would be less than substantial and consequently it is necessary for the harm to be weighed against the public benefits of the proposal. In this regard I note that no benefits have been advanced by the appellant. That said, I do recognise that the proposal would provide accommodation for the garaging of the appellants vehicles, where none currently exist, together with a hallway and cloaks facility, However, these features would primarily be a private benefit. I am also conscious that the proposal before me is unlikely to be the only way in which these aspirations could be met. I have taken into account that the proposed development could also provide some local employment during the construction works but recognise that such activity would be for a limited duration only. As a result, I am not persuaded that there are public benefits that would outweigh the considerable importance and great weight to the harm to the CA that I have identified above.
20. These considerations, taken together lead me to the conclusion, on this main issue, that the appeal scheme would fail to preserve or enhance the character or appearance of the Downley Common Conservation Area. For these reasons, the proposal would conflict with Policies DM31, DM35 and DM36 of the LP. It would also be contrary to the guidance provided within the adopted Householder Planning and Design Guidance Supplementary Planning Document (2020) and the Chilterns Building Design Guide. These policies and guidance jointly seek, amongst other matters, to conserve and, where possible, enhance the Historic Environment, respect the character and appearance of the existing property and its surroundings, whilst also ensuring that extensions are subservient in scale to the existing dwelling.

Balancing of considerations and whether very special circumstances exist

21. I have found that the proposal would meet the volumetric criteria as set out in Policy DM 43 of the LP. However, I have found that there would be harm to the openness of the GB, and consequently there is conflict with the second part of the criteria, which requires development to respect the open character of the GB and appear proportionate to the original dwelling. Therefore, when taken as a whole, the proposal would represent inappropriate development within the GB. This is a matter that carries substantial weight.
22. For the reasons given above I have found that the proposed development would not cause significant harm to the distinctive landscape character of the AONB. That said, I have concluded that it would fail to preserve or enhance the appearance of the CA.
23. The matters in support of the proposal, that I have referred under the fourth main issue, at most carry modest weight and do not clearly outweigh the substantial weight that is given to the harm identified to the openness of the

GB. For these reasons, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

24. Whilst I have found no harm to the AONB there would be harm to the Green Belt and a heritage asset in conflict with LP policies, and there would be conflict with the development plan taken as a whole. There are no material considerations to outweigh that finding. Therefore, for the reasons set out above, this appeal is dismissed.

J Gunn

INSPECTOR