



Appeal Decision

Site visit made on 16 November 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th November 2023

Appeal Ref: APP/N0410/D/23/3320000

28 Wood Lane Close, Iver Heath, Buckinghamshire SL0 0LJ

- 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 Brainch against the decision of Buckinghamshire Council.
 - The application Ref PL/23/0015/FA, dated 4 January 2023, was refused by notice dated 9 March 2023.
 - The development proposed is removal of existing roof and erection of new roof to accommodate living space and removal of chimneys.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues 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 effects of the proposal on the openness of the Green Belt;
 - The effects of the proposal on protected species, in particular on bats, and;
 - Whether any 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

3. The Framework at paragraph 137 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. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions set out in paragraph 149. One such exception is 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.

4. Policy GB1 of the LP¹ states that within the Green Belt planning permission will not be granted other than for development including the limited extension, alteration or replacement of existing dwellings, in accordance with Policy GB10, and includes other criteria which should be met. Policy GB10 refers specifically to extensions to dwellings in the Green Belt and states that proposals would normally be permitted subject to criteria including that (b) the extension together with any earlier extensions, would be integral to, and (with the exception of very small dwellings lacking basic amenities) of a small scale, in relation to the size of the original dwelling. The supporting text to Policy GB10 explains that extensions that would result in the original dwelling having increased its floorspace by more than half will not be regarded as small scale.
5. The planning history of the property suggests it has previously been extended through a two storey rear extension and side extensions. The appellant does not dispute the floorspace calculations made by the Council, which find that the previous additions to the house have already resulted in an 82.8% increase in floor area above the original dwelling. As such, under the provisions of Policy GB10, the existing extensions to the property should not be regarded as small scale.
6. Even if the usable floorspace of the property were not intended to be increased, the Framework and Policy GB10 refer to the matter of 'size', of which floorspace is just one consideration. The proposal would infill the central roof valley, giving a notable increase in the volume of the roof as well as an increase in the height of the existing ridgelines. When taken together with the existing extensions, the extensions to the original building would be disproportionate in size.
7. For these reasons, the proposal would result in disproportionate additions over and above the size of the original building and would be inappropriate development as defined by the Framework. The proposal would also conflict with policies GB1 and GB10 of the LP summarised above in respect of the size of the extensions taken together.

Openness

8. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. The courts have established that the openness of the Green Belt has a spatial aspect as well as a visual aspect². Therefore the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt. A number of factors are capable of being relevant in its assessment.
9. The appeal site lies among other residential properties generally comprising two storeys with varying roof forms. The openness of the area is derived from the open spaces beyond Wood Lane Close as well as the gaps between the properties, their gardens and the width of the carriageway and grass verges. The proximity of the houses and the regularity in their layout around Wood Lane Close nonetheless limits the sense of openness immediately surrounding the appeal site.
10. As above, the property has undergone extensions to the side and rear which have decreased the spatial aspect of the Green Belt's openness, and this would

¹ The South Bucks District Local Plan adopted March 1999, consolidated September 2007 and February 2011

² Turner v SSCLG & East Dorest Council [2016] EWCA Civ 466

be further decreased as a result of the additional volume and height of the proposed roof extension. In terms of visibility, the extension would be apparent in views from the road at the front of the property as well as from the road to the south east, where the roof is apparent over the adjoining gardens. While the visual effects of the proposal on openness are limited to localised views, the effects of the increased size of the property would nonetheless be apparent. Therefore the appeal scheme would decrease both the spatial and visual aspects of the Green Belt's openness. However, given the site's context, the degree of harm to openness would be at the lower end of the scale and would be limited.

Bats

11. The Council have raised concerns for the effects of the proposal on protected species, given the proximity to fields and woodland, and as the proposal would entail the removal of the existing roof structures. The appellant has submitted a Preliminary Roost Assessment which was informed by a site inspection and assessment of the surrounding area undertaken in March. This suggests the area has a moderate suitability for commuting and foraging bats, but found no evidence of bats within the roof or chimneys at the time of inspection.
12. Nonetheless, the report recommends an evening survey once bats become active after hibernation, and acknowledges that mitigation may be required if bats are recorded roosting within the building. Given the recommendation of the report for this survey, and uncertainty regarding the use of the roof by bats, I cannot be satisfied that the proposals would not cause harm to these protected species.
13. Planning permission granted at no.43 nearby does not provide assurances that the appeal scheme would not cause harm to bats, as the affected structures may have been different and I note that proposal was informed by a bat survey. Other controls outside the planning system do not provide adequate assurances that the proposals are acceptable in planning terms and I am mindful of the advice of Circular 06/2005, that surveys should be carried out before planning permission is granted.
14. For these reasons the proposal could cause harm to protected species, contrary to Policy CP9 of the CS³ and the Framework insofar as they relate to protection of biodiversity.

Other Considerations

15. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
16. In addition to being inappropriate as defined by the Framework, the proposal would cause limited harm to the openness of the Green Belt, and could cause harm to bat populations which may use the site. While the appellant considers the area does not have the feel of a Green Belt location, this would not result in less weight being applied to the Green Belt harm. In line with the provisions of

³ South Bucks Development Framework: Core Strategy Development Plan Document 2011

paragraph 148 of the Framework, any harm to the Green Belt should be given substantial weight, and I ascribe significant weight to the potential harm to bats.

17. It is common ground between the main parties that the proposal would be acceptable in terms of its design and visual effects on the character of the property and the street, as well as its effects on the neighbouring occupiers and parking. However the absence of harm relating to these matters is a neutral factor, and does not weigh in favour of the proposal.
18. The proposal would provide enlarged storage space for the occupants of the property, and would assist in improving maintenance of the roof slopes. There may be other works which could be carried out to the property without the need for planning permission. However details of those works have not been provided and it cannot be established whether they would be more harmful than the appeal scheme. Together these considerations attract little weight.
19. Overall, the weight of the other considerations in this instance would not be sufficient to outweigh the harm to the Green Belt and protected species. As a consequence, the very special circumstances necessary to justify the development do not exist.

Conclusion

20. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, the appeal is dismissed.

C Shearing

INSPECTOR