



Appeal Decision

Site visit made on 11 January 2024

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2024

Appeal Ref: APP/X0415/D/23/3327568

The Spinney, Magpie Lane, Coleshill, Buckinghamshire HP7 0LS

- 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 Katy Meade-King against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref PL/22/1891/FA, dated 25 May 2022, was refused by notice dated 22 May 2023.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the 22 November 2023, all designated Areas of Outstanding Natural Beauty in England and Wales became 'National Landscapes'. However, the legal designation and policy status is unchanged. I have therefore proceeded on this basis and referred to the Chilterns National Landscape accordingly.
3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. However, the amendments therein do not alter the consideration of the main issues in this appeal.

Main Issues

4. The main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any 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 dwelling and the surrounding area including the Chilterns National Landscape;
 - if the proposal is inappropriate development, whether the resulting harm and any other harm, is clearly outweighed by other considerations, to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

5. The appeal site lies within the Green Belt. Section 13 of the Framework establishes the national policy objective to protect the Green Belt and to prevent urban sprawl by keeping land permanently open. It goes on to say that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework sets out several exceptions where development would not be 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 building.
6. Policies GB2 and GB13 of the Chiltern District Local Plan 1997 (the Local Plan) are broadly consistent with the provisions of the Framework in so far as they support the limited extension or alteration of existing dwellings in the Green Belt. That said, the exception set out at Policy GB2c) refers only to dwellings and thus differs to the Framework in this regard.
7. The Framework does not define what is meant by disproportionate additions beyond a comparison between the original building, any built extensions, and the extent of what is proposed. Similarly, and unlike the Wycombe District Local Plan 2019, the Local Plan does not specify any percentage increases or size parameters which would be deemed acceptable. Nevertheless, the supporting text to Policy GB13 of the Local Plan indicates that the extension must be subordinate to the size and scale of the original dwelling and in cases where there have been one or more previous extension, the cumulative effect on the size and scale of the original building must also be considered.
8. The evidence indicates that previous extensions to the appeal property include a two-storey side extension, front porch, and detached garage. Although these earlier additions were subordinate, cumulatively they have resulted in a significantly larger building. In this regard, even if I were to accept the appellant's calculations, these are still indicative that the appeal property is more than twice the size of the original building¹. Therefore, whilst the proposed development would be relatively modest in terms of both its footprint and volume, it would not be limited having regard to previous extensions and would thus constitute a disproportionate addition over and above the original building, nonetheless.
9. Accordingly, the appeal proposal would be inappropriate development in the Green Belt which, is by definition harmful. It would therefore conflict with paragraph 154 of the Framework together with saved Policies GB2 and GB13 of the Local Plan.

Openness

10. Openness is identified in the Framework as one of the Green Belt's essential characteristics and can be perceived both spatially and visually. In spatial terms, the increased footprint and volume combined with the enclosure of the undeveloped space between the house and garage together with the loss of

¹ A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built (Glossary to the Framework)

open space at the rear of the property would have a reducing effect on the openness of the Green Belt.

11. Further, the proposal would result in a continuous width of built form which would increase the visual bulk of the property. Whilst the visual effects in terms of openness would be limited due to existing screening along the site frontage, this landscaping is not protected, and whilst it is not currently proposed to remove it, it is not a permanent feature. Should the landscaping die or be removed, the appeal property would be much more prominent. In any case, the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result.
12. For the reasons set out above, I find that the proposal would cause limited harm to the openness of the Green Belt. This would add to the harm arising from the development by virtue of its inappropriateness.

Character and appearance

13. The appeal site lies within the Chilterns National Landscape (CNL) and comprises a spacious plot, occupied by a detached dwelling. The site is enclosed by mature vegetation beyond which lies large, open fields. There are neighbouring dwellings located on the opposite side of Magpie Lane which are of a similar scale and appearance to the appeal property. The spaciousness of the plot, abundance of soft landscaping and surrounding open green space provides for a rural setting which positively contributes to the character and appearance of the area.
14. There is limited evidence before me in relation to the landscape characteristics and qualities of the CNL. Nevertheless, I observed on my site visit that the area in which the development would be appreciated is generally characterised by blocks of mature woodland, linear development of varying scale and form, interspersed with parcels of open, undeveloped land. In determining the appeal, I am required to give great weight to conserving and enhancing the landscape and scenic beauty of the CNL.
15. The proposed single storey extension would use materials sympathetic to the appeal property and would integrate well with its design and appearance. The extension would be visually subordinate to the appeal property by virtue of its scale, ridge height and set back from the front elevation. As such, it would not dominate the host property or read as an intrusive addition to the street scene.
16. Accordingly, I find that the proposal would not harm the character and appearance of the dwelling or the surrounding area including the CNL. It would therefore accord with Saved Policies GC1, LSQ1 and H15 of the Local Plan and Policies CS20 and CS22 of the Core Strategy for Chiltern District 2011. Collectively, and amongst other aspects, these policies seek to ensure that proposals are designed to be in keeping with the existing dwelling and relate well to its surroundings whilst also conserving the special landscape character and high scenic quality of the designated landscape. It would comply with Policy GB13 in so far as it would not be intrusive in the landscape and would also be consistent with the design objectives of the Framework.
17. The Council's reason for refusal alleges conflict with Local Plan Policy GB2 which relates specifically to inappropriate development within the Green Belt.

My attention has not been drawn to any wording therein which relates to character and appearance and thus it is not determinative to this main issue.

Other considerations

18. My attention has been drawn to an appeal decision² which lies within the same joint authority and same area of strategic Green Belt. The Inspector's reasoning indicates that the percentage increase relative to the original building was materially different to the appeal proposal. Further, the proposal by reasons of its form, did not impact on openness. As such, this scheme does not compare to the appeal proposal.
19. The appellant contends that the proposed extension would be modest in scale and would not significantly add to the overall volume of the dwelling. In this regard, it is said to differ considerably to the 2003 proposal³. In addition, it is argued that visibility of the proposal would be extremely limited, and the resultant building would be generally in keeping with the row of large, detached houses on the opposite side of the road. Consequently, the appellant submits that the proposal would not be harmful to the Green Belt.
20. I have had regard to the case law⁴ presented by the appellant and acknowledge that in cases where the harm identified is considered slight, this fact alone can be part of the very special circumstances. However, it is incumbent upon the applicant to demonstrate the benefits of the development would outweigh the degree of harm identified. No such benefits have been put to me.

Other Matters

21. There were considerable delays in the processing of the planning application, and I note the appellant's willingness to address the concerns raised by the Council. Whilst the frustrations of the appellant are understandable, this has no bearing on my considerations of the appeal proposal.

Green Belt Balance and Conclusion

22. The Framework identifies that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful. For the reasons outlined, the appeal proposal would constitute inappropriate development in the Green Belt, which carries substantial weight. As well as harm by reason of inappropriateness, the proposal would cause a harmful loss of openness. I attribute moderate weight to the harm caused in this respect.
23. For the reasons set out above, the harm to the Green Belt would not be clearly outweighed by the other considerations. Thus, the very special circumstances required to justify a grant of planning permission have not been demonstrated. The appeal is therefore dismissed.

H Wilkinson

INSPECTOR

² APP/K0425/D/18/3192733

³ CH/2003/0153/FA

⁴ Vision Engineering Ltd v Secretary of State for the Environment and Guildford Borough Council