



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: 7th February 2024

Appeal Ref: APP/X0415/W/23/3324557

Delmont, Dell Orchard, Winchmore Hill, Buckinghamshire HP7 0PJ

- 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 and Mrs Doug Johnson against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref PL/23/0209/FA, dated 18 January 2023, was refused by notice dated 22 March 2023.
 - The development proposed is the demolition of existing bungalow, repair of exposed party wall and construction of detached dwelling house and garage.
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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. Having regard to the evidence, 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 biodiversity, including protected species;
 - the effect of the proposal on the character and appearance of the area including the Chilterns National Landscape; and,
 - 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. 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 replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Considered together, saved Policies GB2 and GB7 of the Chiltern District Local Plan 1997 (including Alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 (Local Plan) are broadly consistent with the provisions of the Framework in this regard.
6. There is no dispute that the replacement dwelling would be in the same use as the existing building. However, using the dimensions submitted by the appellant, the proposal would have a gross internal floor area of approximately 252m² whereas the existing dwelling has a gross internal floor area of approximately 176m². In relation to the volume of the existing and proposed, no figures have been provided by the main parties. Nevertheless, based upon the submitted elevational plans, it is noted that the volume of the proposal, by virtue of the increased ridge height would be substantially greater than that of the dwelling to be replaced. For the above reasons, I find that the replacement dwelling would be materially larger than the one that it replaces. The exception set out at paragraph 154 (d) of the Framework therefore does not apply.
7. The appeal proposal would therefore constitute inappropriate development in the Green Belt. Accordingly, the proposal would conflict with saved Policies GB2 and GB7 of the Local Plan together with the Framework.

Openness

8. Openness is identified in the Framework as one of the Green Belt's essential characteristics and it can be perceived both spatially and visually. In spatial terms, the combined height, volume, and floor space increase would have a reducing effect on the openness of the Green Belt. Moreover, the scale increase means that the visual mass and bulk of the property would be significantly greater which would be particularly noticeable from the adjacent lane and to a lesser extent the surrounding area.
9. Considering the spatial and visual effects, and whilst noting that the proposal would occupy a similar footprint to the existing dwelling, I find that the proposal would cause moderate harm to the openness of the Green Belt. This would add to the harm arising from the development by virtue of its inappropriateness.

Biodiversity

10. No ecological survey has been submitted with the appeal and thus it has not been established what habitats may be present on site, including those of protected species which could be affected by the appeal development. In considering the proposal, the presence of protected species is a material consideration. Therefore, it is essential that the presence or otherwise of

protected species, and the extent to which they may be affected by the proposed development, is established before any planning permission is granted.

11. The Council did not request the submission of an ecological survey during the application process. Nevertheless, Policy CS24 of the Core Strategy for Chiltern District 2011 (Core Strategy) makes it clear that development proposals should protect biodiversity including protected species.
12. The existing landscaping within the site would be retained and would be largely unaffected by the proposal. Enhancement measures including additional planting, bat and bird boxes would also be provided. However, in the absence of an ecological survey, I cannot conclude with any degree of certainty that the appeal development would not have any adverse effect on the biodiversity of the site, including protected species.
13. Accordingly, the proposal would conflict with Policy CS24 of the Core Strategy, which amongst other aspects seeks to ensure that development proposals protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion of biodiversity. It would also be inconsistent with the Framework's biodiversity objectives.

Character and appearance

14. The appeal property is located within the Chilterns National Landscape (CNL) and is one half of a pair of semi-detached bungalows. It lies at the end of a small row of dwellings, all of which front onto Dell Orchard. The wider settlement is characterised by a mix of house types, many of which occupy well proportioned, maturely landscaped plots. The loose-knit development pattern along Dell Orchard, the abundance of greenery throughout the village and surrounding open fields provides for a verdant, semi-rural character and appearance.
15. The evidence before me is limited in terms of the landscape characteristics and qualities of the CNL. However, I observed at my site visit that the surrounding area is generally characterised by undulating, open green fields, blocks of woodland and sporadic development nestled in the countryside. In determining the appeal, I am required to give great weight to conserving and enhancing the landscape and scenic beauty of the CNL.
16. The symmetry and former uniformity of the bungalows has been disrupted by previous extensions to the individual properties. The demolition of the appeal property would undoubtedly disrupt the visual balance of built form to a greater extent. However, the resultant bungalow would read as a modest, standalone dwelling and would not appear unbalanced or indeed conspicuous in the context of the sites varied surroundings.
17. Moreover, the siting of the proposed dwelling within the appeal site, including its setback and frontage onto Dell Orchard would reflect the prevailing pattern of development. Although the introduction of an additional storey would disrupt the existing pattern of declining building height along the row, the overall scale and height of the proposed dwelling would be contextually modest and it would not read as an intrusive addition to the street scene. The use of sympathetic materials and external features including dormer windows means that the development would relate well to its surroundings and would reflect the design

and appearance of the immediate properties. Whilst mindful of the CNL, the development would be read in the context of the existing built form and for the above reasons would integrate well with the site's semi-rural surroundings and the characteristics of the locality.

18. For these reasons, I do not consider that the appeal development would harm the character and appearance of the area including the CNL. It would therefore accord with saved Local Plan Policies GC1 and LSQ1. Amongst other aspects, these policies seek to ensure that development is designed to a high standard and relates well to its surroundings whilst also conserving the special landscape character and high scenic quality of the designated landscape. It would also be consistent with the design objectives of the Framework which also seek to secure the provision of high-quality development and visually attractive buildings which are sympathetic to local character.

Other considerations

19. The lack of objection to the proposal does not make it acceptable. In addition, whilst noting that the proposal would provide an opportunity to improve the standard of accommodation, it is not clear from the evidence before me that this is the only way of achieving this or that the existing property is indeed substandard in this regard. Limited weight is therefore afforded to this consideration.

Green Belt Balance and Conclusion

20. 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.
21. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. 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