



Appeal Decision

Site visit made on 5 March 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th March 2024

Appeal Ref: APP/K0425/D/23/3330438

3 Virginia Gardens, Bledlow Ridge, Buckinghamshire, HP14 4JL

- 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 Joan Thomas against the decision of Buckinghamshire Council.
 - The application Ref 23/06562/FUL, dated 19 June 2023, was refused by notice dated 10 August 2023.
 - The development proposed is a rear extension and loft conversion with ridge height amended.
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Decision

1. The appeal is allowed, and planning permission is granted for rear extension and loft conversion with ridge height amended at 3 Virginia Gardens, Bledlow Ridge, Buckinghamshire, HP14 4JL in accordance with the terms of the application, Ref 23/06562/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. In the interests of clarity, I rely upon the description of development as contained in the application form for the purposes of the heading above and paragraph 1 of my Decision.
3. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became "National Landscapes". AONBs have been renamed and rebranded as National Landscapes to reflect *"their national importance: the vital contribution they make to protect the nation from the threats of climate change, nature depletion and the wellbeing crisis, whilst also creating greater understanding and awareness for the work that they do"*. However, the legal designation and policy status of these areas are unchanged, so I have proceeded on this basis.
4. A revised National Planning Policy Framework (the Framework) was published by the Government on 19 December and updated on 20 December 2023 and accompanied by a written ministerial statement (WMS). I have familiarised myself with the content of the revised Framework and the accompanying WMS and none of the revisions to the Framework would be material to this appeal. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework. Any references to the Framework hereafter in this decision are to the latest version.

5. The appeal site is located within the Green Belt. The Framework confirms that the Government attaches great importance to Green Belts. The identified fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Council consider that the proposal would not represent a disproportionate addition to the host property nor compromise the openness of the Green Belt. Based on the plans before me and my observations on site I see no reason to take a different view. Accordingly, the proposal is not inappropriate development in the Green Belt and does not conflict with policy as set out in the Framework on this matter.

Main Issues

6. The main issues are the effect of the proposal on i) the character and appearance of the host property, surrounding area, and the Chilterns AONB, and ii) the living conditions of No 2 Virginia Gardens with specific regard to overbearing impacts.

Reasons

Character and appearance

7. The appeal site consists of a modest bungalow property located in a steep residential road of Virginia Gardens on the edge of the small settlement of Bledlow Ridge. The existing character and appearance of the area is made up of a mixture of one and two storey mainly detached dwellinghouses which exhibit a variety of materials, styles and finishes, albeit fairly traditional in nature.
8. The appeal site is located within the Chilterns AONB. Paragraph 182 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONBs. The settlement of Bledlow Ridge has been integrated within the surrounding landscape character. The site is bounded by built developments providing a more developed feel. Given that the proposal is viewed in the context of these residential properties within the existing settlement, there would be no harm to the visual qualities and essential characteristics of the Chilterns AONB and thus would conserve the landscape and scenic beauty.
9. The proposal seeks a large flat roof rear dormer extension which would create visual bulk at the roof level, however given it would be positioned to the rear of the site it would limit any public views to glimpse views only. Whilst providing additional accommodation in the roof space, the height, scale and visual impact of the proposal from the street scene would still resemble the scale of the buildings in the area. Consequently, the proposal would be akin to the architectural form of the properties around Bledlow Ridge and would not appear discordant.
10. From my site observations there are other properties in the area that have extended into the roof slope, most notably at Nos 4 and 5 Virginia Gardens, with the latter providing a large dormer to the front elevation. I have not been provided with the planning history, or the planning policy in place at the time of permission for these properties, however they do form part of the established character of the area, nonetheless. Paragraph 6.3 of the Householder Planning and Design Guidance Supplementary Planning Document (SPD), adopted

January 2020 states existing inappropriate extensions and alterations, will not be accepted as an argument in favour of further unacceptable alterations. Whilst I acknowledge the guidance set out in the SPD, the appeal proposal has been sympathetically designed to appear similar to the others in the area, and consequently would appear as a coherent built form in the vicinity respecting the existing character.

11. Overall, the development would be seen within the context of the existing residential settlement of Bledlow Ridge which has been integrated within the surrounding landscape character. As such, the proposal would at the very least conserve the landscape and natural scenic beauty; visual qualities and essential characteristics of the Chilterns AONB, the character and appearance of the surrounding area and the host property. Consequently, the scheme is in accordance with Policies DM30, DM35, DM36 and CP9 of the Wycombe District Local Plan (WDLP), adopted August 2019, Policy 5 of the Bledlow-cum-Saunderton Neighbourhood Plan (NP) 2016-2033, adopted June 2017 and the aims and objectives of the SPD. These collectively seek development to achieve a high quality of development, respecting the distinctive character of the area and should be appropriate in scale, form, layout and detailed design. The scheme would also accord with Paragraph 182 of the Framework which seeks to protect and enhance valued landscapes and scenic beauty of AONBs.

Living conditions

12. The proposed development would be located close to No 2 Virginia Gardens in an elevated position, and therefore I have taken into account whether the development would have an overbearing impact on this property. Whilst views of the proposal would be possible from No 2, the relatively low design and positioning within the existing roof slope provides a height, scale and bulk which would not give rise to a dominant development relative to No 2 or its garden area. Neither would its overall presence significantly reduce the current aspect enjoyed by those occupants to an extent that would be overbearing.
13. For the reasons above, I conclude that the proposal would not result in harm to the living conditions of the existing occupiers at No 2 with particular reference to overbearing impacts. The scheme would be compliant with the relevant sections of WDMP Policies DM35 and DM36, and the aims and objectives of the NP and SPD which amongst other things, seek to prevent development from adversely impacting upon the amenities of neighbouring land and property. The proposal is also consistent with the Framework, which amongst other things, seeks high quality design and a good standard of amenity for all existing and future occupants of buildings.

Other Matters

14. In respect to issues raised on the living conditions of neighbouring properties regarding overlooking and loss of privacy, I have no reason to disagree with the Council, that the proposal would not cause harm to the existing residents in respect of this matter. Nevertheless, it would be prudent to remove permitted development rights to ensure that no additional alterations and/or openings could be provided at the roof level to protect the living conditions of these residents.

15. Concerns have been raised in respect to ecology matters which can be mitigated through the use of conditions and the Council have provided a list of suggested conditions.
16. In regard to the other matters raised including the conversion of the property into a House of Multiple Occupation (HMO), I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in the creation of an HMO. Furthermore, it has not been explained that existing regulations and controls do not satisfactorily deal with this matter.
17. Consequently, the other matters do not lead me to a different overall conclusion that the appeal should be allowed.

Conditions

18. In attaching conditions to this decision, I have had regard to the tests set out at paragraph 56 of the Framework. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. I have also attached a condition requiring the use of similar materials as set out in the plans, in the interests of a good quality appearance to the development.
19. I have attached a condition preventing additional openings in the flank elevations to protect living conditions of neighbouring properties from the proposed development, in terms of privacy and overlooking.
20. There is a need to provide a net increase in biodiversity and ecological features proportionate to the development proposed and I have imposed the condition that incorporates the requirements set out in the Council's suggested conditions.

Conclusion

21. The appeal scheme would accord with the development plan, when read as a whole and the Framework. Having considered all material considerations and other relevant matters raised, I therefore conclude that the appeal is allowed.

Robert Naylor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2023-05-A-001-AB; 2023-05-A-003-AC; 2023-05-A-004-AC and 2023-05-A-005-AB.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved plans.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or other openings shall be constructed on either flank elevation.
- 5) Prior to the occupation of the development hereby permitted a bird and a bat box shall be located at the site in a position suitable for their intended purpose, and thereafter retained for the lifetime of the development.

END OF SCHEDULE