



Appeal Decision

Site visit made on 8 February 2024

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24.04.2024

Appeal Ref: APP/Q3115/D/23/3333906

The Penn, Thame Road, Great Milton, Oxford, Oxfordshire OX44 7HX

- 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 Simon Booker against the decision of South Oxfordshire District Council.
 - The application Ref P23/S3147/HH, dated 15 September 2023, was refused by notice dated 13 November 2023.
 - The development proposed is extension and conversion of roof to create habitable room within roof void.
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Decision

1. The appeal is allowed, and planning permission is granted for extension and conversion of roof to create habitable room within roof void at The Penn, Thame Road, Great Milton, Oxford, Oxfordshire OX44 7HX in accordance with the terms of the application, Ref P23/S3147/HH, dated 15 September 2023, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan DRG.01, Existing floor plans and elevations DRG.02, Proposed ground and first floor plans DRG.03 Rev A, Proposed roof plan DRG.04, and Proposed elevations DRG.05 Rev A.

Main Issues

2. The main issues are:
 - whether the proposed development represents inappropriate development in the Green Belt,
 - the effect on the character and appearance of the building and area,
 - the effect on openness, and

- whether other considerations clearly outweigh the harm to the Green Belt, and any other harm, so as to amount to very special circumstances.

Preliminary Matters

3. The appeal proposal would involve providing a first floor above an existing rear extension and garage. Prior approval was granted in 2022 for an additional storey at the dwelling. A revised scheme was also granted prior approval in 2022. Neither of these developments were implemented.

Reasons

Whether inappropriate development in the Green Belt.

4. Paragraph 154 of the National Planning Policy Framework (the Framework) advises that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. The listed exceptions include 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. The original building refers to that which existed on 1 July 1948, or if constructed after 1 July 1948, as it was built originally. Neither the Framework, nor South Oxfordshire Local Plan policy STRAT6, which also restricts inappropriate development in the Green Belt, indicate what increase in floorspace, or volume would be disproportionate.
5. Local Plan policy H20 regarding house extensions refers to the 'volume of the existing building' with no reference to what represents "disproportionate". The appellant relies upon a volume calculation rather than the increase in floorspace. The appellant considers that the proposal would involve an increase in volume of around 30% if the original garage as approved is included. There is a difference in opinion between the Council and the appellant. The Council believes that the approved garage outbuilding was never constructed and was subsequently unauthorised when it was constructed.
6. Even if I took the appellant's figures and did not include the garage as an addition, I still find that the proposed extension would be a disproportionate addition and would constitute inappropriate development in the Green Belt. In this respect the extension would also conflict with Local Plan policies STRAT6 and H20. Paragraph 152 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Character and appearance of the building and area, and the effect on openness

7. The Penn is a detached bungalow located in a rural area. The dwellings along Penn Road vary in their form, design, height, and age. There are open fields to the north and south of the appeal site and the building lies within the Green Belt.
8. The bungalow has a linear form with a low ridge height when viewed from Thame Road. The Council has referred to the joint South and Vale Design Guide, but with no reference to a particular part of relevance. There would be an increase in height and bulk for part of the building resulting from the proposed extension. However, the extension would be set back from the front elevation of the bungalow and situated next to a two-storey neighbouring dwelling. As mentioned above, there is variation in the form of residential

development along Thame Road. Therefore, there would be no harm to the character and appearance of the building and area and no significant conflict with Local Plan policies DES1 and DES2 regarding high quality design and local character or with the objectives of the joint South and Vale Design Guide.

Effect on openness

9. In accordance with the National Planning Practice Guidance, openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume. The proposed extension would partly increase the existing ridge height of the bungalow and would add bulk and volume to the building, resulting spatially in a slight increased loss of openness in the Green Belt. The extension would be more prominent visually and with a slight increase in harm to the openness of the Green Belt.

Other considerations

10. The appellant submits that the existing prior approvals represent a fall-back position. The appeal proposal would increase the ridge height of the bungalow by approximately 1.8 metres. The prior approval schemes would both involve a greater height increase of around 2.3 metres and would also involve the addition of an extra storey.
11. The materiality of the prior approval schemes as a fall-back depends upon whether there is a real prospect that they would proceed. The appellant has indicated that a fall-back scheme is likely to be implemented if the appeal fails. The fall-back schemes and detailed plans have prior approval and based upon the evidence before me I consider that there is a real prospect that development would proceed.
12. Both prior approval schemes would transform the character and appearance of the front elevation of the building. The original form and design of the bungalow would be lost and replaced by a more imposing building in the street scene. The amount of harm to the character and appearance of the building would be exceeded by the prior approval schemes compared to the appeal proposal and I accord significant weight to the prospect that they could be implemented. The appellant has also referred to permitted development rights which would allow extensions to the side and rear of the building. However, there is no indication that the appellant wishes to progress those developments as an alternative to the appeal proposal.
13. Paragraph 153 of the Framework advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 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.
14. There is a real prospect that a prior approval scheme could be implemented as opposed to the appeal scheme, a matter to which I attach significant weight. I consider that the appeal scheme would result in less harm to the character and appearance of the building and the area than the prior approval schemes. I find that the other considerations in this case clearly outweigh the harm that I have

identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development.

Conditions

15. In addition to the standard timescale for commencement of development a condition is imposed requiring the use of external materials to match those in the bungalow in order to maintain the character and appearance of the building. A further condition confirms the plans hereby approved.

Conclusion

16. For the reasons given above, the appeal is allowed subject to conditions.

Martin H Seddon

INSPECTOR