



Appeal Decision

Site visit made on 22 May 2024

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 June 2024

Appeal Ref: APP/K0425/D/24/3337174

30 Green Lane, Radnage, Buckinghamshire HP14 4DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs H Freeman against the decision of Buckinghamshire Council.
 - The application Ref is 23/07817/FUL.
 - The development proposed is demolition of outbuilding and erection of single storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of outbuilding and erection of single storey side extension at 30 Green Lane, Radnage, Buckinghamshire HP14 4DN in accordance with the terms of the application, Ref 23/07817/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 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 dwelling.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 2004-P2A Rev A.
 - 4) Within three months of the commencement of the development hereby permitted one bird box shall be attached to a building on site, in a position suitable for their intended purpose, and thereafter retained for the lifetime of the development.

Preliminary Matters

2. On 22 November 2023, all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) were retitled National Landscapes. There has been no change to the legal designation and policy status of these areas. For the avoidance of doubt, I have used the term AONB, which remains in the latest version of the National Planning Policy Framework (the Framework).

Main Issues

3. The main issues in this appeal are:

- whether the development would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the Framework;
- the effect of the proposal on the openness of the Green Belt;
- the effect of the proposal on the character and appearance of the host dwelling and area, and whether it would conserve and enhance the landscape and scenic beauty of the Chilterns AONB; and
- whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to very special circumstances required to justify the development.

Reasons

Whether inappropriate development

4. Policy CP8 of the Wycombe District Local Plan (2019) (Local Plan) seeks to protect the Green Belt from inappropriate development. Policy DM42 of the Local Plan regards development in the Green Belt as inappropriate. Exceptions to this include the extension of dwellings, provided they accord with Policy DM43 of the Local Plan. Policy DM42 goes on to explain that inappropriate development will be refused unless there are very special circumstances. Very special circumstances will exist when the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This approach is broadly consistent with the Framework.
5. Policy DM43 of the Local Plan states that the extension of a dwelling will only be considered appropriate development in the Green Belt when it satisfies one (or more) conditions. In this case, conditions (c) and (e) are relevant to the appeal proposal. I will deal with each in turn.
6. With regards to condition (c), the Council have calculated the average volume of the properties directly adjacent to the appeal property to be around 551 cubic metres. The proposed extension would increase the volume of the appeal property to around 619 cubic metres. It would therefore conflict with this condition, which only allows a total increase in volume that would not exceed the average volume of the neighbouring properties.
7. With regards to condition (e), the parties agree that the proposed extension would increase the total volume of the resulting building to the volume of the original building plus 57%. This would conflict with the condition, which only allows an increase to the volume of the original building plus 50%.
8. For the reasons above, the proposed extension would not be appropriate development as defined by Policy 43 of the Local Plan. Accordingly, it would be an inappropriate form of development within the Green Belt.

Openness

9. The proposed extension would be a modest addition to the appeal property. While it would take up some space that is currently open, a significant part of it

would be located where an existing outbuilding is currently positioned. The existing outbuilding, which is to be demolished as part of the proposal, is comparable in size to the proposed extension and its removal would open up some of the space that it currently occupies. Given this, the proposal would not harm the spatial openness of the Green Belt.

10. In terms of visual harm, I saw on my visit that there is a gate between the front elevation of the appeal property and its garage that would block views of the proposed extension from Green Lane. Even if the gate was to be removed, the gap between the house and garage is narrow and any views of the proposed extension from public vantage points would be very limited. Given the position of the proposed extension, existing outbuildings, and rear boundary treatments, which are highly likely to remain in a similar form for aesthetics, privacy and consistency with local character, views from the neighbouring properties and the wider area would also be very limited. Consequently, the proposed extension would not harm the visual openness of the Green Belt in that the Green Belt would appear as developed and built up with the appeal proposal as it currently does without it.
11. For the reasons above, the proposal would preserve the openness of the Green Belt in accordance with the fundamental aim of the Framework.

Character and appearance

12. The appeal property is located within the Chiltern's AONB. Green Lane is a reasonably narrow highway with no pavements. There are properties on both sides of the lane, including bungalows and two-storey houses. The bungalows and houses are set back from the highway, typically behind hedges, and many fill the width of their plots restricting any views to the rear of the properties. Their frontages comprise areas of hardstanding to park vehicles, as well as areas of lawn and other landscaping. Overall, the rural lane has a very green and spacious character, albeit the limited space between the bungalows and houses at ground level and some tall hedging along sections of the narrow lane create a degree of enclosure.
13. The proposed extension would be modest, as would be the associated roof lantern. It would have a simple form and would appear as a subservient addition to the appeal property. It may be that the flat roof profile and roof lantern are not common features within the wider area, and I note that the Chiltern's Buildings Design Guide advises that the use of flat roofs are at variance with all other forms of vernacular architecture in the Chilterns and should be avoided. However, in this case, these attributes would not appear incongruous or out of keeping with the host dwelling, which has a contemporary appearance that includes a large amount of glazing and a side dormer with a flat roof on the same side of the property as the proposed extension would be. For these reasons, the proposed extension would provide a high-quality addition to the appeal property, which would reflect the advice set out in the Council's Householder Planning and Design Guidance Supplementary Planning Document (2020) (SPD).
14. Given the limited visibility of the proposed extension, including the roof lantern, from neighbouring properties and the wider area and AONB, any effect on character and appearance and the landscape and scenic beauty of the AONB would not be harmful.

15. Accordingly, the proposal would accord with Policies CP9, DM30, DM35 and DM36 of the Local Plan. These seek to ensure that development achieves a high-quality design and conserves, and where possible enhances, the natural environment, including the Chiltern's AONB.
16. I am mindful that Section 85(A1) of the Countryside and Rights of Way Act 2000 (as amended) places a statutory duty upon me to seek to further the purpose of conserving and enhancing the natural beauty of the Chiltern's AONB. I have found the proposal would be a high-quality addition that would not harm the landscape and scenic beauty of the AONB and thus would conserve its natural beauty. In this case, given the very modest scale of the proposal, the provision of a bird box would be a proportionate means in this instance to discharge the duty to enhance the natural beauty¹ of the AONB.

Other Considerations

17. The appeal proposal includes the removal of an existing outbuilding. While it may be that the Local Plan only includes policy that allows for extensions to replace extensions and outbuildings to replace outbuildings, this is a material consideration that should be taken into account.
18. Paragraph 142 of the Framework states the 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.
19. In this case, as set out above, given the modest scale of the proposal, its positioning, and the removal of the outbuilding, the proposal would preserve the openness of the Green Belt in accordance with the fundamental aim of the Framework and part 3 of Policy DM43 of the Local Plan. It would also have no effect on the permanence of this part of the Green Belt. This weighs in favour of the appeal.

Conditions

20. The Council has suggested that, in the event the appeal was allowed, 5 conditions be imposed on any grant of permission. In imposing conditions, I have had regard to the approach in the Framework and the Planning Practice Guidance. I have accordingly modified the wording or form of certain conditions without altering their fundamental aims.
21. In addition to the statutory time limit condition, a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interests of certainty. Also, in the interest of certainty, a condition is necessary to ensure that the external materials of the proposed extension match those of the existing dwelling. A condition requiring the provision of a bird box on site is necessary to ensure the development provides a net gain in biodiversity.
22. The Council have also suggested that a condition is imposed to remove the appeal property's permitted development rights to be extended or altered without the permission of the Local Planning Authority. This is so that the Local Planning Authority can properly consider the effect of any future proposal on

¹ Section 92 of the CROW Act defines the conservation of natural beauty as including the conservation of flora, fauna and geological features.

the character and amenity of the locality and the open character of the Green Belt. Nevertheless, Paragraph 54 of the Framework is clear that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. There is no explanation before me as to how removing these permitted development rights is relevant to the appeal proposal or necessary to make it acceptable in planning terms. I am also mindful that national permitted development rights are not restricted in the Green Belt. Therefore, although I recognise that these permitted development rights, if implemented, may affect the openness of the Green Belt, this is not a clear justification for restricting them. This condition is therefore neither reasonable nor necessary.

23. The Parish Council has requested that, if permission was granted, any HGV's and site traffic wishing to access the appeal property plan their route carefully from the A40 via Mudds Bank/City Road only and avoid the local school morning and afternoon times. Nonetheless, while I appreciate that some of the local roads would be unsuitable for HGVs, I saw on site that most of these roads are clearly signposted as such. Restricting other site traffic as part of the permission would be unnecessary and unreasonable, given the modest scale of the proposal.

Green Belt Balance and Conclusion

24. Policy DM42 of the Local Plan and Paragraph 152 of the Framework indicate that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy DM42 of the Local Plan and Paragraph 153 of the Framework explain that very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
25. The proposal would be an inappropriate form of development within the Green Belt, which, by definition, is harmful to the Green Belt. Paragraph 153 of the Framework affords substantial weight to any harm to the Green Belt.
26. Nonetheless, in this case, the proposal would preserve the openness and permanence of the Green Belt, which is the fundamental aim of Green Belt policy. I afford this decisive weight. It would therefore provide the very special circumstances necessary to justify the proposal. Accordingly, the proposal would accord with Policy DM42 of the Local Plan.
27. For the reasons above, having had regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed, subject to the conditions set out above.

Hannah Guest

INSPECTOR