



Appeal Decision

Site visit made on 12 March 2024

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th June 2024

Appeal Ref: APP/N0410/D/23/3328512

**Dair Cottage, Beaconsfield Road, Farnham Royal, Buckinghamshire
SL2 3BY**

- 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 Sean Chandiram against the decision of Buckinghamshire Council - South Area (South Bucks).
 - The application Ref is PL/23/1218/FA.
 - The development proposed is alterations to existing side (northern) roof slope between existing dormers in order to provide more headroom to first floor bedrooms and alterations to existing gable and insertion of 2 additional first floor windows (As approved under ref. PL/20/0029/FA).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Sean Chandiram against the decision of the Buckinghamshire Council - South Area (South Bucks). This application is the subject of a separate Decision.

Preliminary Matters

3. Since the appeal was made, the Government revised the National Planning Policy Framework (the Framework). Policies material to this decision have not fundamentally changed. Therefore, I have not sought the main parties' views on this.
4. The description of development includes proposed alterations to the existing gable roof and the insertion of two new windows into the first floor. These works were previously approved by the Council (the previously approved works¹). However, this permission has since expired.

Main Issues

5. The main issues are:
 - The effect of the proposal on the openness of the Green Belt,
 - The effect of the proposed infill dormer extensions on the character and appearance of the house and the area,
 - The effect of the proposal on protected species, and;

¹ Council Ref: PL/20/0029/FA

- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Openness

6. The site is located in the Green Belt. The Framework establishes that new buildings in the Green Belt are inappropriate development, except in certain exceptions including where they involve an extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building as set out in paragraph 154. The main parties have agreed that the proposal would represent inappropriate development in the Green Belt as defined in Policies GB1 and GB10 of the South Bucks District Local Plan adopted March 1999, consolidated September 2007 and February 2011 (the LP) and the Framework. From everything I have seen in the submissions and on my site visit, I have no reason to dispute this.
7. Openness is an essential characteristic of the Green Belt. The previously approved works to the gable roof have not been implemented. Since this development was approved, the appeal site does not appear to have substantially changed. Therefore, from the evidence, I have no reason to come to a different conclusion on the effect of this part of the proposal on openness. It is also proposed to extend the existing dormer windows by filling the space between them. This would result in a very small increase in the volume of the roof. However, as each extension would be contained between the dormer windows, in both visual and spatial terms, this would not harm the openness of the Green Belt.

Character and appearance

8. Dair Cottage is a detached house that sits quite far back into the site. The gable roof pitch with overhanging eaves and dormer windows on both sides of the roof plane give the house its distinctive cottage character and appearance. The immediate street scene consists only of the house and the neighbouring school building which in part share some design features, such as dormer windows, gable roofs and materials palette. The house is divorced from the other residential properties in the area. The house and school building are surrounded by playing fields and woodlands. This part of the area has a semi-rural character through the extensive tree coverage and is reflective of the Green Belt designation.
9. The proposed dormer extensions would have a box-like form with a solid bulk. This would increase the bulk and massing of development at roof level and would result in the existing dormer windows appearing as more prominent on the side elevation.
10. The existing dormer windows are well-spaced and in proportion with the roof, appearing as separate structures projecting from the roof. The proposed dormer extensions would infill the full width of the gaps between each dormer, eroding this existing spacing. This would effectively create one long structure and would diminish the existing proportionality. The minimal setback from the existing dormers would do little to reduce this.

11. The introduction of flat roofs at roof level would starkly contrast with the pitched roof characteristics of the house. Even accounting for the use of acceptable matching tiles, the proposed infill roof extensions would not integrate well with the existing key architectural detailing of the house. The proposed infilling would change one of the key components of the design of the house, harmfully altering its character and appearance.
12. As the proposed roof extensions would be between the existing dormer windows, the extensions would not dominate the roof. However, this would not overcome my concerns over the design of the proposed infills and their effect on the character and appearance of the house.
13. There are some discrepancies between the reference to the effect on the general character of the area in the reason for refusal and the Council's Delegated Report concerning harm to the character and appearance of the area. Although the house and school building both have dormer windows, they differ in size and roof design. Given this variation and that there is no overriding character of dormer extensions in the existing street scene, the proposed infill extensions would therefore not be out of keeping with the character of the area.
14. For these reasons, I conclude that the proposed infill dormer extensions would have an adverse effect on the character and appearance of the house. However, the level of harm would be limited on account of the intervening screening of the trees from the neighbouring woodland and the restricted public views. Nevertheless, the proposal would conflict with Policies EP3 and H11 of the LP, Policy CP8 of the South Bucks District Core Strategy 2011 (the CS) and the Framework. These policies amongst other things, require development to harmonise with the existing building, be visually attractive and to not have an adverse effect.

Protected species

15. Circular 06/2005 referred to in paragraph 185 of the Framework, states that it is essential the presence or otherwise of protected species, and the extent that they may be affected is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances.
16. The application was supported by a preliminary bat roost assessment². It found that while there was no evidence of bats at the time of the survey, there was bat roosting potential under the external features of the roof and recommended that two bat dusk surveys be carried out between late April and September. The professional advice in the survey is clear that without mitigation, there is a risk that bats could be disturbed by the proposed works, injured or killed and a bat roost could be damaged or lost.
17. The proposal could therefore have a potentially unacceptable effect on a protected species, and it is not possible to determine whether or not any effects could be adequately mitigated or compensated, and if and how this might be achieved. As such, there are no exceptional circumstances that would justify resolving this issue by planning conditions.

² Report Number: ASW/SC/085/26/2022 - September 2022

18. I therefore conclude that insufficient information has been submitted to demonstrate that the proposal would not have an adverse effect on protected species. The level of harm would be significant because of the protected nature of these species. The proposal would conflict with Policy CP9 of the CS and the Framework. These policies amongst other things, seek to protect the natural environment.

Other considerations

19. The appeal site benefits from a certificate of lawfulness for a proposed detached outbuilding³. The erection of the outbuilding would create additional floorspace, whereas the proposal would create greater headroom, without an increase in the floor area. The appellant has indicated that there is every prospect that the outbuilding would be built if permission for the proposal is refused. Therefore, there is a greater than theoretical possibility that this development will take place. The degree of weight to be given to the fallback position depends on whether or not it would be equally or more harmful than the scheme proposed.
20. The fallback scheme differs from the proposal in that it relates to a detached single storey building. Notwithstanding this, the outbuilding would have a greater impact on the openness of the Green Belt than the proposal because of its size and the increase in the built form on the site. However, as the outbuilding would be separate from the house, it would not result in any changes to the character and appearance of the house itself. It would also not require any alterations to the roof of the house and would therefore be unlikely to impact on the protected species.
21. The fallback scheme, given its massing and scale would result in a greater degree of harm to the openness of the Green Belt. The proposal would result in greater harm to the character and appearance of the house and protected species than the fallback scheme. Therefore, on balance, the proposal would be more harmful than the fallback scheme. This limits the weight I give to the fallback scheme, and it would not outweigh the level of harm identified.
22. There are no objections on residential amenity, heritage, highways and parking grounds. However, the absence of harm is a neutral consideration and so does not weigh in favour of the proposal.
23. Although I have concluded that the proposal would not harm the openness of the Green Belt, an absence of harm would not weigh in favour of the scheme and is neutral.

Conclusion

24. The proposal is agreed to be inappropriate development which is, by definition, harmful to the Green Belt. Substantial weight has to be attached to this harm. The proposal would cause limited harm to the character and appearance of the house and the area. It has also not been demonstrated that the proposal would not cause significant harm to protected species.
25. Given the limited weight attached to the fallback scheme, even when taken together the other considerations above do not clearly outweigh the harm I

³ Council Ref: 10/00644/CLOPED

have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

26. The proposal would conflict with Policies GB1, GB10, EP3 and H11 of the LP, Policies CP8 and CP9 of the CS and the Framework.

27. For the reasons given above the appeal should be dismissed.

L Reid

INSPECTOR