



Appeal Decision

Site visit made on 14 August 2024

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2024

Appeal Ref: APP/X0415/D/24/3337186

Butlers Cottage Denham Lane, Chalfont St. Peter SL9 0QH

- 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 Mrs Glynis Jenkins against the decision of Buckinghamshire Council.
 - The application Ref is PL/23/3708/FA.
 - The development proposed is single storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development in the formal decision refers to additional windows to the side and rear elevations, which are shown on the submitted plans. For the avoidance of doubt, I have determined the appeal on this basis.

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 National Planning Policy Framework (the Framework);
 - the effect of the proposal on the openness of the Green Belt; and
 - on the basis that the proposal would be inappropriate development, 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. Saved Policy GB2 of the Chiltern District Local Plan (1997) (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 (Local Plan) seeks to protect the Green Belt from inappropriate development. Development which is not inappropriate in the Green Belt is set out in the policy. This includes the limited extension, alteration or replacement of existing dwellings in accordance with other Local Plan policies, including saved Policy GB13.

5. Saved Policy GB13 permits extensions to dwellings which are subordinate to the size and scale of the original dwelling, are not intrusive in the landscape and that comply with other Local Plan policies. This approach is broadly consistent with the Framework.
6. The Council has calculated that the proposed extension, together with previous extensions to the appeal property, would result in an 87% increase to the floorspace of the original dwelling. This is not disputed by the appellant. This may be considered a simplistic approach to assessing whether the proposed extension would be disproportionate, and I recognise that neither saved Policies GB2 or GB13, nor the Framework, stipulate set percentage increases that could be considered disproportionate. Nonetheless, it is a useful guide in understanding the degree to which the original building would be extended.
7. In terms of the considerations set out in saved Policy GB13 of the Local Plan, while the proposed extension would be a modest addition to the appeal property, when assessed cumulatively with the previous extensions, the resulting mass and form would not be subordinate to the size of the original dwelling. The previous extensions have significantly increased the width of the appeal property and the proposed extension would further increase its width, so that the resulting width of the extensions would be greater than the width of the original dwelling itself. Subsequently, although the width of the proposed extension would be less than the width of the scheme subject of the previous application at the appeal property, cumulatively the extensions would no longer be subordinate to the original building. This is despite the proposed extension not resulting in an increase in the height or depth of the appeal property.
8. The appeal property is largely screened from Denham Lane by the existing boundary hedge, which in my view is likely to remain in a similar state for reasons of privacy, amenity, and local character. Views of the appeal property from public vantage points are therefore restricted to those taken over the access gates of the northern flank elevation. Although this would be where the proposed extension would be positioned, given its single storey low profile, views of the proposed extension would be limited. Views from neighbouring properties would also be limited due to the existing landscape and positioning of the dwellings. For these reasons, the proposed extension, whether considered individually or cumulatively with the previous extensions, would not appear intrusive within the landscape.
9. Nevertheless, the proposed extension together with the previous extensions to the appeal property, would result in a significant increase in floorspace to the original dwelling and its width. Cumulatively, the extensions would no longer be subordinate to the size of the original dwelling. It would therefore be an inappropriate form of development in the Green Belt as defined by saved Policy GB13 of the Local Plan.

Openness

10. The proposed extension would unavoidably take up space that is currently open, which would harm the spatial openness of the Green Belt. In terms of visual harm, the upper part of the proposed extension would be seen over the access gates from Denham Lane. Although the rear garden is contained by boundary landscape, the visible upper part of the proposed extension would fill some open air space above it, which would result in some very limited and localised harm to the visual openness of the Green Belt.

11. Accordingly, the proposed extension would not preserve the openness of the Green Belt contrary to the fundamental aim of the Framework.

Other Matters

12. The appellant refers to the neighbouring house, Aviary Cottage, as having been significantly extended, including a single storey extension similar to the appeal proposal. Nonetheless, I have no details before me regarding these extensions, when they were built or whether they benefitted from planning permission. Thus, the weight I can afford this in my determination is very limited.
13. The appeal property is located close to Grade II listed buildings, including Mopes Farmhouse, the barn to north west of Mopes Farmhouse, and the barn to south west of Mopes Farmhouse and Mopes Farm Cottage. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to give special regard to preserving the buildings or their settings or any features of special architectural or historic significance which they possess. With regards to this appeal, it is the rural, spacious, verdant setting of the buildings that is significant.
14. The listed buildings form part of a cluster of buildings, which include the appeal property. The proposed extension would be located on the opposite side of the appeal property to the listed buildings, which would significantly limit any intervisibility. Given this positioning and the modest size of the proposed extension, it would not affect the spacious and verdant setting of the listed buildings. Thus, it would not result in any harm to their significance.

Green Belt Balance and Conclusion

15. 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. Paragraph 153 explains that very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
16. The proposal would be an inappropriate form of development within the Green Belt and would also result in some harm to its openness. Paragraph 153 of the Framework states that I should afford substantial weight to any harm to the Green Belt.
17. The modest benefits associated with the additional living space and reconfiguration of the existing layout would not clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the proposed extension have not been demonstrated and the proposal would conflict with saved Policies GB2 and GB13 of the Local Plan.
18. Accordingly, with regards to the above, I find the proposal would conflict with the development plan read as a whole. It has not been demonstrated that there are any material considerations to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

Hannah Guest

INSPECTOR