

Appeal Decision

Site visit made on 4 September 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2024

Appeal Ref: APP/J0405/D/24/3342154

Cold Comfort, Aylesbury Road, Wendover, Buckinghamshire HP22 6AA

- 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 Marcus Cooper against the decision of Buckinghamshire Council.
 - The application Ref is 23/03294/APP.
 - The development proposed is two storey side, rear and front extensions with basement below.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 22 November 2023, all designated Areas of Outstanding Natural Beauty in England and Wales became "National Landscapes". The appeal site falls within the Chilterns Area of Outstanding Natural Beauty (the AONB), now the Chilterns National Landscape (NL).
3. In December 2023, Section 245 of the Levelling-Up and Regeneration Act (LURA) amended the duty on relevant authorities in respect of their interactions with statutory purposes of AONBs, as set out in Section 85 of the Countryside and Rights of Way Act 2000 (as amended) (CRWA). In so far as it relates to this appeal, the amendment now requires relevant authorities "in exercising or performing any functions in relation to or so as to affect land in an AONB...to seek to further the purpose of conserving and enhancing the natural beauty of the AONB" (my emphasis).
4. The explanatory note to the LURA states "The clause strengthens the duty on certain public authorities when carrying out functions in relation to these landscapes to seek to further the statutory purposes and confers a power to make provision as to how they should do this." As such, it is incumbent upon me to evidence consideration of possible ways to further the purpose of conserving and enhancing the natural beauty of the AONB/NL.
5. The Planning Practice Guidance (PPG) sets out the relevance of management plans for AONB/NLs when assessing planning applications. Whilst these do not form part of the development plan, they help to set out the strategic context for development and provide evidence of the value and special

qualities of these areas. The Chilterns AONB Management Plan 2019-24 (the CMP) is therefore a material consideration.

Main Issue

6. The main issue is the effect of the proposed extensions on the character and appearance of the appeal property and the surrounding area, including the Chilterns National Landscape.

Reasons

7. The appeal property is a detached house in open grounds. The southernmost part of the house mainly consists of the original dwelling, which is a simple, traditional building indicative of its quiet, rural setting. The remainder of the house comprises later additions. Whilst these additions are substantial, providing at least as much floorspace again as the original dwelling, they are also glazed extensively at the point of connection to the original dwelling, and the rearmost wing is narrow and set back from the outermost gable ends of the house. As a result, the later additions are quickly identifiable as such, and are subservient to the original dwelling. A detached two-storey garage building sits beyond the northern end of the house, leaving a significant gap.
8. The appeal site is accessed via a track over which a Public Right of Way (PROW) exists. The track runs behind houses on Lionel Avenue, serving allotments and open grazing land immediately east of the appeal site. Though nestled in a dip behind a line of trees, the appeal property is nonetheless visible from parts of the allotments, the grazing land, the entrance to the grazing land along the PROW, and some higher windows of houses on Lionel Avenue. The views westward from these locations are of the impressive rolling fields and the edge of the escarpment beyond, exemplifying the panoramic views the CMP lists as a special quality of the AONB/NL.
9. The appeal property sits in the foreground of these vistas, with the gap to the detached garage framing a view of low-lying farmland beyond. This allows the farmland to be seen on either side of the appeal property and maintains an open feel in which the original dwelling, the later additions and the garage have the appearance of a cluster of modest traditional buildings laid out in a typically agricultural manner.
10. The proposed extensions would retain the glazed junction that marks the original dwelling but, in bringing a long, two-storey mass out to meet the front edge of the existing building whilst also extending the house northwards, the above-ground elements would overpower the original dwelling, fundamentally undermining its simple rural character.
11. The proposals would replicate the existing gable ends and incorporate local building materials in a 'brick and flint' design and, in these respects, accord with the advice in the Vale of Aylesbury Design SPD 2023 (the SPD) and the Chilterns Buildings Design Guide 2010 (the CDG). Nevertheless, that would not serve to make what would be an architecturally unremarkable, if large, extension into a 'one-off' of outstanding or innovative design, nor result in an enhancement to the landscape. Rather, in overpowering the original

dwelling, the proposals would conflict with the advice in those documents overall.

12. The proposals would combine with the garage to form an amalgamation of bulky development to the north of the site, blocking views through the existing gap to the fields beyond. This would erode the open feel of the appeal site as seen from the east, whilst the increased size and scale of the appeal property would bring it into competition for visual prominence with the landscape beyond. In these ways the proposals would neither conserve nor enhance the special qualities of the AONB/NL as set out in the CMP.
13. Whilst additional landscaping could be used to screen views of the appeal site, to be effective this would also block views of the farmland beyond, eroding the openness of the area. Given its extent, the proposed development would result in short-term economic benefits associated with the construction phase, and the subterranean and south-facing glazed elements of the proposals would contribute to energy-efficiency. These benefits are minor and would be significantly outweighed by the harm identified above.
14. For the reasons set out, the proposed extensions would harm the character and appearance of the appeal property and the surrounding area, and neither conserve nor enhance the Chilterns National Landscape. As such, the proposed development would conflict with Policies NE3 and BE2 of the Vale of Aylesbury Local Plan 2021. Amongst other matters, these policies require development to respect and complement site characteristics and surroundings and the natural qualities and features of the area, and conserve and enhance the AONB/NL's special qualities and distinctive character. It would also be contrary to the supporting advice in the SPD and CDG, and the similar aims of the National Planning Policy Framework

Conclusion

15. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed.

A Knight

INSPECTOR