



Appeal Decision

Site visit made on 7 January 2025

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2025

Appeal Ref: APP/J0405/D/24/3345640

Lindum, Chiltern Way, Aston Clinton, Buckinghamshire HP22 5NH

- 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 M Thompson against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref is 23/03457/APP.
 - The development proposed is roof alterations to provide accommodation in the roofspace and a single storey rear extension to the existing house, and proposed single storey Annex (replacing the existing garage).
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is located within the Green Belt. The appellant accepts that the proposal would comprise inappropriate development in the Green Belt as defined within the National Planning Policy Framework ('the Framework') and I concur with that position. The Framework identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances which will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Accordingly, the main issues in this appeal are:
 - i) the effect of the proposal on the openness of the Green Belt; and
 - ii) whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Openness of the Green Belt

3. The appeal site includes a detached bungalow with accommodation in the roof served by small front and rear dormers, as well as a flat roof garage outbuilding which sits beyond the rear of the dwelling. From the information before me, the dormers to the dwelling and a range of single-storey flat roof rear projections are extensions to the original building. The Council also indicates that it holds no records for a sunroom to the front of the dwelling, but considers this to be a later addition having regard to the flat-roof form.
4. As part of the proposal, the sunroom to the front of the dwelling would be removed, but the footprint of extensions to the rear would be further

increased. In addition, the first-floor level would be significantly extended within a new pitched roof. There is some disagreement between the parties in respect of the exact figure, but it is clear that the proposal would result in an increase in volume over the original building of far in excess of the 25-30% which Policy S4 of the Vale of Aylesbury Local Plan 2021 ('the VALP') indicates will normally be acceptable. There would also be a marked increase in volume over the dwelling as it currently exists.

5. Moreover, the proposed roof would be nearly 1m taller and of much greater depth than the existing hipped roof, extending over a significant part of the extensions to the rear of the dwelling where the existing projections currently have flat-roofs of modest height. Together with the inclusion of front and rear gables, this would add considerable bulk and mass to the upper level of the dwelling in comparison to the existing arrangement.
6. The greater scale of the building and particularly its height and upper bulk and mass would in my assessment cause a significant loss of openness in spatial terms in comparison to the existing situation.
7. Furthermore, the proposed annex would be significantly wider and deeper too than the existing garage outbuilding which is to be replaced. It would also be significantly taller with a pitched roof along the full depth of the building between front and rear gables. The resulting volume would be more than double that of the garage, far in excess of the 25-30% increase that Policy S4 of the VALP indicates will normally be acceptable where replacement buildings are proposed. Together with the increased height and bulk of the roof, the annex would therefore have a much greater physical presence than the existing garage. In this position, it would also increase the spread of development along the depth of the site beyond neighbouring dwellings. As a consequence, there would be a markedly greater spatial effect on openness to this part of the site.
8. Many of the dwellings on Chiltern Way have been extended in the past and the appellant indicates that the appeal dwelling would remain one of the smallest. Even so, the greater height and scale of both the dwelling and the replacement annex would be clearly appreciable from the street. Furthermore, while the dwellings form a ribbon, often with outbuildings, they sit on generous plots which affords them a spacious setting, and undeveloped countryside is apparent surrounding plots at the furthest end of the street including the appeal site. As a result, there is not a strongly built-up character to this part of Chiltern Way.
9. Despite the simple form of the roofs, the height and scale of the dwelling and annex would notably reduce views, particularly at the upper level, that are currently available past the existing buildings through the site and towards undeveloped countryside. Together with the spread of development beyond the rear of the adjacent dwellings, the current impression of openness would be eroded. Irrespective of the scale of neighbouring buildings, there would consequently be an adverse visual impact on the openness of this part of the Green Belt, albeit that the surrounding context means the effect would be localised.
10. The Framework sets out that the essential characteristics of Green Belts are their openness and their permanence. For the reasons above, the proposal would result in a marked increase in the physical presence of development on

the appeal site and I conclude that there would be a significant loss of openness in both spatial and visual terms from the existing situation.

Other Considerations

11. The appellant asserts that permitted development rights would allow an outbuilding of equivalent or larger size/volume to the annex to be erected within 20m of the rear of the dwelling, even within the National Landscape. However, this permitted development right for buildings is restricted to those required for a purpose incidental to the enjoyment of the dwellinghouse. Insofar as the annex would provide primary living accommodation, it would not comply with this restriction and irrespective of the appellant's need for annex accommodation, the exercise of permitted development rights does not therefore offer a realistic fallback for the development that is proposed.
12. Construction of an outbuilding for another purpose, incidental to the enjoyment of the dwellinghouse, may be a theoretical possibility, but in the absence of any firm information to suggest a requirement for such space, I am not persuaded that this would be a real prospect were the appeal to fail. Furthermore, the height of the annex would exceed restrictions in the permitted development right on maximum height by some way. As a result and given that the height of the roof would exacerbate the visual impact and prominence of development, it has not been demonstrated that any scheme utilising permitted development rights would result in comparable or greater harm to the Green Belt than the appeal proposal. For these reasons, the suggested fallback attracts limited weight in my decision.
13. I note extensions to other dwellings on Chiltern Way which the appellant indicates have seen increases in volume far in excess of what is proposed on the appeal site. However, the appellant acknowledges that these were approved under different development plan policies, and while they are part of the context of the site, they do not alter the nature of the appeal proposal comprising inappropriate development in the Green Belt, nor my above assessment of effects on openness. The appellant also refers to an outbuilding that was approved at Little Chelsea, but I do not have full details of that development and it is not clear that the circumstances would be comparable to the appeal proposal including in respect of the use and height of the building which could affect the relevance of any potential permitted development fallback. Accordingly, I give limited weight to these examples.
14. The appellant advises that the proposal is intended to accommodate multi-generational living, with a registered disabled family member occupying the annex where they would have some independence but with assistance readily available from occupiers of the dwelling. This would be an important benefit of the proposal.
15. I have also taken into account that age and disability are relevant protected characteristics for the purposes of the Public Sector Equality Duty set out in section 149 of the Equality Act 2010 ('the PSED'). The PSED requires due regard to the need, amongst other things, to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. Advancing equality of opportunity involves having due regard to considerations including the need to remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; and to take steps to

meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it. In addition, I have had regard to rights conveyed within the Human Rights Act 1998 ('HRA'), and particularly rights under Article 8(1) to respect for private and family life, home and correspondence.

16. However, while the appellant indicates that the intention is for them to reside in the dwelling, there is no clear information before me to explain the need for extensions, and certainly not for extensions of the scale and form proposed. Furthermore, there is no substantive evidence to show that the appeal proposal would be the only means by which any needs for an annex could reasonably be met. In particular, it is unclear why a building of the size proposed would be necessary, and especially of the height indicated which would significantly exacerbate the effect of the annex on the openness of the Green Belt relative to the existing garage. The information before me does not therefore demonstrate that the development, as it is proposed, is no larger than is necessary. Consequently, I can only afford moderate weight to this matter.
17. Furthermore, the extensions and annex applied for are intended as permanent buildings. A temporary permission which may reduce effects on the Green Belt but which would require demolition would not therefore be appropriate and while the appellant's current personal circumstances could be expected to change, the development would remain on the site where it would continue to harm the Green Belt.
18. I note a suggestion that the proposal would release the appellant's existing house in Aylesbury back to the wider housing stock. This may contribute to the general availability of housing, but the contribution would be very limited in scale and would not increase the overall dwelling supply picture so that I afford no more than moderate weight to this matter.

Planning Balance and Conclusion

19. Drawing matters together, the proposal would be inappropriate development which the Framework identifies is, by definition, harmful to the Green Belt and which should not be approved except in very special circumstances. It would also cause harm as a consequence of the greater impact of the development on the openness of the Green Belt in both spatial and visual terms, albeit localised. In accordance with the Framework, I give this harm substantial weight.
20. Against the harm, the proposal would support multi-generational living, but the submitted evidence does not demonstrate that this would be dependent on development of the scale and design proposed which I have found would cause harm to the Green Belt. While I am sympathetic to the appellant's personal circumstances and the benefits that additional accommodation on the site would offer, these matters therefore carry moderate weight and even taken together, I find that the weight of the other considerations advanced by the appellant does not clearly outweigh the harm that I have identified so as to amount to the very special circumstances necessary to justify the development in the Green Belt.
21. I have considered the potential to issue a split decision granting permission for either just the annex or just the extensions to the dwelling. However, even taken individually, the annex and extensions to the dwelling would each be

inappropriate development which is, by definition, harmful to the Green Belt, and would cause harm to the openness of the Green Belt. Permitting only one element of the proposal would reduce the total extent of the harm to the Green Belt, but the harm would still attract substantial weight, and it would remain the case that the evidence does not demonstrate that meeting needs would be dependent on development of the scale and design proposed. In this context, I find in respect of both the annex and extensions to the dwelling taken individually that the weight of the other considerations advanced by the appellant does not clearly outweigh the harm that I have identified so as to amount to the very special circumstances necessary to justify the development in the Green Belt.

22. For these reasons, I conclude that the proposal would conflict with the Framework. It would also be contrary to Policy S4 of the VALP insofar as it seeks to protect Green Belt land from inappropriate development in accordance with national policy and to preserve the openness of Green Belt.
23. Furthermore, the harm caused by the proposal, both as applied for and when considering the annex and extensions to the dwelling individually, outweighs its benefits in terms of advancing equality of opportunity for persons with protected characteristics. The adverse effects of dismissing the proposal on those with protected characteristics and interference with rights under the HRA are also mitigated by the possibility of an alternative, less harmful, scheme. Dismissal of the appeal would be in accordance with the law and necessary in a democratic society in pursuance of a well-established and legitimate aim to protect the Green Belt and the protection of the public interest cannot be achieved by means that are less interfering of the appellant's human rights. In these circumstances, there would not be unjustified interference with rights for respect for the home, private or family life and I conclude that it is proportionate and necessary to dismiss the appeal.
24. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached.
25. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR