
Appeal Decision

Site visit made on 10 December 2024

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th January 2025

Appeal Ref: APP/J0405/D/24/3344308

98 Ellesborough Road, Wendover, Buckinghamshire HP22 6EW

- 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 Richard and Susie Mock against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref is 24/00230/APP.
 - The development proposed is Householder application for erection of two storey side extensions and single storey rear extension. Demolition of existing rear garage and non-implementation of LDC and a section 192 for a home office and gym in rear garden.
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Decision

1. The appeal is dismissed

Preliminary Matters and background

2. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.
3. There is an extant permission¹ for the demolition of the existing two storey rear extension and detached garage and the erection of 2no. two storey side extensions and a single storey rear extension. There is also a further certificate of lawfulness (LDC) associated with the appeal site² for two outbuildings. None of these consents have been implemented. The appeal before me seeks the demolition of the existing garage and the erection of two storey side extensions and a rear single storey extension. They also state their commitment for this to be constructed but not exist in conjunction with any other building within the curtilage of the property other than a 'pre-existing structure'. This is by way of a Unilateral Undertaking (UU).
4. The appeal site is located within the Metropolitan Green Belt.
5. An award of costs application has been submitted by the appellants and is subject to a separate decision.

Main Issues

6. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposed development on the openness of the Green Belt; and

¹ Application reference 21/04917/APP

² Application reference 22/03681/CPL

- 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.

Whether inappropriate development within the Green Belt

7. Paragraph 142 of the Framework states that 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.
8. The Framework at paragraph 153 is explicit as it states that 'substantial weight is given to any harm to the Green Belt, including harm to its openness.' Paragraph 154 of the Framework explains that development in the Green Belt is inappropriate. However, paragraph 154 c) makes exceptions for the 'extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'.
9. Policy S4 of the Vale of Aylesbury Local Plan adopted 2021 (VALP) seeks to protect land within the Green Belt from inappropriate development in accordance with national policy. It sets out types of small-scale development that will be supported, providing they preserve the openness of the Green Belt, and do not conflict with the purposes of including land within it. Extensions to buildings that are not out of proportion with the original building, normally no more than 25-30% volume increase of the original building, is one of those listed. In this particular circumstance, when combined with the other extensions would equate to around a 104% increase in volume to the original dwelling. I have no reason to dispute this figure.
10. Nevertheless, when assessing the proposal under paragraph 154 c), consideration should not be solely restricted to its increased volume in order to ascertain whether or not the proposal amounts to 'disproportionate additions'. There are other considerations which depend on the circumstances of the case.

Openness

11. The Green Belt has a visual aspect as well as a spatial dimension. Even with the demolition of the garage, the combination of the individual elements to extend the dwelling would further increase the footprint, volume and overall massing of the original dwelling.
12. Although the proposed rear extension would not project as far from the rear elevation of the property as the existing garage, it would be materially larger. The existing garage has a low level of harm to the openness of the Green Belt. The large rear extension would have a greater impact and would result in a harmful loss of openness of the Green Belt in spatial terms.
13. Having regard to the visual aspect to openness, due to the height and siting of the rear extension it would not be visually prominent, including in views from the open countryside to the rear. Whilst the proposed side extensions would be more readily visible from the highway given their position on the site, due to their overall scale and the retention of the gaps between the dwellings, they would have a limited effect on the openness of the Green Belt in visual terms. However, the appeal proposal with its combined elements would be sizable even taken with the loss of the garage. Nevertheless, it would add significantly to the footprint, bulk and mass

of the original dwelling as a whole and a reducing effect upon the openness of the Green Belt. As such, it would conflict with the fundamental aim of Green Belt policy as stated in the Framework, to keep land permanently open.

Other considerations

14. The appellant explains their commitment through a UU for the extension to the dwelling at appeal not to exist in conjunction with any other building within the curtilage of the property other than a pre-existing structure. I am also aware that the garage would be lost. They comment there would be a lesser degree of harm to the openness of the Green Belt as an overall consequence.
15. The appellants can also implement the extant permission together with the LDC as their suggested fall-back position and is a real prospect to the appellant. As a combination of parts, the extant permission together with the LDC approval would create more volume across the site. Even if this would equate to a larger degree of harm to the openness of the Green Belt when taken with the extant permission, the larger of the two LDC buildings does not currently exist which is material in my assessment. Therefore, in this particular instance, I do not consider it to be an appropriate mechanism to trade the effect on the openness of the Green Belt. The extension to the dwelling at appeal would not be reduced in volume and the effect upon the openness of the Green Belt, as I have found, would not be preserved.
16. Extending as this may correlate with other dwellings located in close quarters, improve the living conditions of the appellants, the Chilterns Area of Outstanding Natural Beauty would not be impacted upon, the extension would be a properly built structure, and the letter of support are all neutral in the overall scheme of things. I have considered all further matters raised by the appellants but they do not alter my findings.

Whether or not very special circumstances exists

17. I have found that the proposal amounts to inappropriate development in the Green Belt as it would harm its openness. This harm is given substantial weight in the words of the Framework. Only where very special circumstances exist should this harm to the openness of the Green Belt be clearly outweighed by other considerations.
18. There are no very special circumstances to outweigh the harm arising. Consequently, the very special circumstances necessary to justify the development do not exist, and therefore the proposal runs contrary to both local and national policy.
19. On this basis the appeal proposal would constitute inappropriate development in the Green Belt which is, by definition, harmful. It would conflict with Policy S4 of the VALP, and the provisions of the Framework.

Conclusion

20. I have considered all matters that have been raised and conclude that the proposal would conflict with the development plan as a whole and there are no other material considerations which lead me to determine the appeal otherwise than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

Alison Scott

INSPECTOR

