



Report to Buckinghamshire Council – (Central) Planning

Committee / Delegated Officer Report

Application Number:	23/00953/APP
Proposal:	Householder application for demolition of garage. Erection of part single storey front extension and porch. Landscaping works
Site location:	St. Benedicts , Bacombe Lane, Wendover, Buckinghamshire, HP22 6EQ
Applicant:	Duncan MILES and Veronika STRILKOVA
Case Officer:	George Gurney
Ward affected:	WENDOVER, HALTON & STOKE MANDEVILLE
Parish-Town Council:	WENDOVER
Valid date:	22 March 2023
Determination date:	1 July 2023
Recommendation:	Refusal

UPDATE REPORT

Updates on Application activity since the Central Planning Committee Meeting on 19th July 2023

- 1.1 The Applicant has provided updated existing and proposed elevation drawings. These were received on the 27th of July 2023: (unnumbered) 'Existing Elevations North West' and (unnumbered) 'Elevations Proposed'. These drawings aim to show the effect of existing fencing and proposed planting on the façade of the building.
- 1.2 The Applicant has provided a statement received on the 31st of July titled 'Description to 'Amended Elevations'' providing justification and explanation for the amendments shown on the above drawings.
- 1.3 The Applicant has provided a Site Visit Handout which was uploaded to public access on 30th August 2023.
- 1.4 Following the previous Committee, the Case Officer has uploaded the methodology and calculations used to produce the volume figures quoted in the report onto public access on 17th August 2023. Other points of clarification are made in this report regarding application of Green Belt policy.
- 1.5 A site visit was undertaken by members of the Committee 7th of September 2023

2.0 Clarification on the application of VALP policy BE2 (Design of new development) when determining householder applications for residential extensions

Policy BE2 of the Vale of Aylesbury local plan is here quoted in full:

All new development proposals shall respect and complement the following criteria:

- a. The physical characteristics of the site and its surroundings including the scale and context of the site and its setting.*
- b. The local distinctiveness and vernacular character of the locality, in terms of ordering, form, proportions, architectural detailing and materials*
- c. The natural qualities and features of the area, and*
- d. The effect on important public views and skylines.*

More guidance on the detail for the application and implementation of this policy will be provided in the Aylesbury Vale Design SPD.

2.1 Concern was raised by Members at the meeting of the Central Planning Committee on the 19th of July that policy BE2 could not be applied to application 23/00953/APP due to the wording 'new development'. Members were concerned that residential extensions did not count as 'new development' and as such the policy should not apply.

2.2 In response Officers make the following comments. In a planning context 'development' is defined by Section 55 of the Town and Country Planning Act (1990). Section 1 and 1(A) of the act are here quoted in full:

(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

1(A) For the purposes of this Act " building operations " includes—

(a) demolition of buildings

(b) rebuilding;

(c) structural alterations of or additions to buildings; and

(d) other operations normally undertaken by a person carrying on business as a builder.

2.3 Section 1(A)(c) states that structural alterations of or additions to buildings, for the purposes of the act constitute building operations, which Section (1) makes clear is part of the definition of development.

2.4 Therefore, any residential extension would be considered a 'new development' in the sense of new to mean 'brought into existence for the first time'.

2.5 Policy BE2 (Design of new development) can be applied to residential extensions and routinely is applied by Case Officers when determining applications for residential extensions. It should also be noted that the Planning Inspectorate also apply Policy BE2 when determining applications for residential extensions, the approach is therefore entirely consistent.

3.0 Clarification on the application of Section 13 (Protecting Green Belt Land) of the National Planning Policy Framework (NPPF) to householder applications for residential extensions

- 3.1 Section 16 of the NPPF outlines in Paragraph 137 that the aim of the Green Belt is to prevent urban sprawl by keeping the land permanently open. The fundamental characteristics of the Green Belt are its openness and its permanence.
- 3.2 Paragraph 147 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 149 states that the construction of all new buildings should be considered inappropriate development in the Green Belt apart from some exceptions which include Paragraph 149(c): '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'
- 3.3 Finally, Paragraph 148 states that substantial weight must be given to any harm to the Green Belt. The 'very special circumstances' mentioned in paragraph 147 will not exist 'unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.' As such, unless other material planning considerations clearly outweigh the harm to the Green Belt, as defined above, then development should be refused.
- 3.4 Policy S4 (Green Belt) of the VALP seeks to define 'disproportionate additions over and above the size of the original building' as normally no more than a 25-30% increase in volume, measured externally.
- 3.5 In interpreting the harm of development on the openness of the Green Belt, Case Officers and the Planning Inspectorate rely on principles established in case law. One of these principles, as outlined in *John Turner v SSCLG and East Dorset Council [2015] EWHC 2788* is that the open character of the Green Belt has a spatial as well as a visual element (See Appendix A). Essentially, the established principle is that even if a proposed development would not be visible from the public sphere, if it is inappropriate development, it is still harmful to the Green Belt.
- 3.6 To conclude, when determining applications for residential extensions in the Green Belt substantial weight must be given to any harm to the Green Belt through inappropriate development. Inappropriate development at a householder scale is development that would result in disproportionate additions over and above the size of the original building. Harm to the Green Belt occurs whether the development is visible or not. Unless material planning considerations can outweigh the substantial weight given to harm to the Green Belt caused by inappropriate development, that permission should not be granted.

Appendix A

Paragraphs 24 and 25 from *John Turner v SCLG and East Dorset Council* [2015] EWHC 2788

24. Sullivan J gives a general reason for the importance of spatial intrusion at para. [37] of his judgment:

“The planning officer’s approach can be paraphrased as follows:

‘The footprint of the replacement dwelling will be twice as large as that of the existing dwelling, but the public will not be able to see very much of the increase.’

It was the difficulty of establishing in many cases that a particular proposed development within the Green Belt would of itself cause ‘demonstrable harm’ that led to the clear statement of policy in para. 3.2 of PPG 2 that inappropriate development is, by definition, harmful to the Green Belt. The approach adopted in the officer’s report runs the risk that Green Belt of Metropolitan Open Land will suffer the death of a thousand cuts. While it may not be possible to demonstrate harm by reason of visual intrusion as a result of an individual – possibly very modest – proposal, the cumulative effect of a number of such proposals, each very modest in itself, could be very damaging to the essential quality of openness of the Green Belt and Metropolitan Open Land.”

25. This remains relevant guidance in relation to the concept of openness of the Green Belt in the NPPF. The same strict approach to protection of the Green Belt appears from para. 87 of the NPPF. The openness of the Green Belt has a spatial aspect as well as a visual aspect, and the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result of the location of a new or materially larger building there. But, as observed above, it does not follow that openness of the Green Belt has no visual dimension.



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1.0 Summary & Recommendation & Reason for Planning Committee Consideration

- 1.1 The applicant seeks planning permission for the demolition of an existing garage at the front of the property and the erection of a single storey front extension which would extend approximately 10.4m from the front elevation of the property. The application also seeks permission for the erection of a porch at the front of the property as well as changes to the landscaping and boundary treatment of the property. The application site lies within the Green Belt and AONB.
- 1.2 The application has been considered with regard to the adopted development plan and it is concluded that the development is acceptable in terms of, ecology, landscape character, residential amenity, rights of way and transport and would comply with policies, BE3, C4, NE1, NE3, NE8, and T6 of the Vale of Aylesbury Local Plan as well as SD2 and G3 of the Wendover Neighbourhood Plan. The application fails to comply with policies BE2 and S4 of the Vale of Aylesbury Local Plan, Policy SD1 of the Wendover and Section 13 of the NPPF in terms of development within the Green Belt.
- 1.3 The application was called in by committee by Cllr Bowles. In consultation with the Chairman, it was considered that this item was an appropriate Committee Item. The application is recommended for refusal.

2.0 Description of Proposed Development

- 2.1 The applicant seeks planning permission for the demolition of an existing garage at the front of the property to be replaced with a single storey front extension as well as a porch and changes to the landscaping of the property. The proposed single storey extension would be approximately 5.75m wide and extend 10.4m from the front of the property. It would have a hipped roof with a ridge height of approximately 3.9m and an eaves height of approximately 2.7m.
- 2.2 The applicant also seeks to add a porch to the front of the property which would be approximately 3.8m wide and would extend approximately 2.3m from the front of the property. The porch would have a pitched roof with a ridge height of approximately 3.29m. Both the proposed extension and the proposed porch would be tiled to match the existing property. The applicant also seeks to finish both the proposed alterations and the existing dwelling with white insulated render.
- 2.3 Finally, the applicant seeks to alter the landscaping arrangements within the curtilage of the property by changing the fencing arrangements to the side of the property, adding a small section of fencing to the boundary treatment of the property, and adding hedges to the front of the property.
- 2.4 The application is accompanied by [As appropriate]:
 - (unnumbered) Elevations Existing North East
 - (unnumbered) Elevations Existing North West
 - (unnumbered) Elevations Existing South East
 - (unnumbered) Elevations Existing South West
 - (unnumbered) Elevations Existing North East
 - (unnumbered) Elevations Proposed North East
 - (unnumbered) Elevations Proposed North West
 - (unnumbered) Elevations Proposed South East
 - (unnumbered) Elevations Proposed South West
 - Miles FPGFE 2023 03 17A Floor Plan, Ground Floor, Existing
 - Miles FPGFE 2023 03 17A Floor Plan, Ground Floor, Proposed
 - Miles SLE 2023 03 14 A SITE LAYOUT, Existing
 - Miles SLE 2023 03 14 A SITE LAYOUT, Proposed
 - Miles LP 2023 03 14 A SITE LOCATION
 - Ecology and Tree Checklist
 - Tree Survey Report
 - 3D Computer Generated Images of Proposed Changes to Dwelling House

Received 22nd March 2023

3.0 Relevant Planning History

Reference: 77/00505/AV

Development: EXTENSION TO THREE BEDROOMS

Decision: Approved Decision Date: 3 May 1977

Reference: 80/02053/AV

Development: SINGLE STOREY SIDE EXTENSION TO PROVIDE SHOWER ROOM AND LARGER STUDY

Decision: Approved Decision Date: 22 December 1980

Reference: 86/01642/APP

Development: DOUBLE GARAGE

Decision: Approved Decision Date: 6 October 1986

4.0 Representations

See Appendix A

5.0 Policy Considerations and Evaluation

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 The Development Plan for this area comprises:

> **Wendover Neighbourhood Plan 2019-2033 (Adopted 2020)**

SD1: Design for Sustainable Development within the Neighbourhood Plan Area

SD2: Design for Sustainable Development-Parking

G3: Biodiversity

> **Vale of Aylesbury Local Plan (September 2021) (VALP)**

BE2: Design of New Development

BE3: Protection of the Amenity of Residents

C4: Protection of Public Rights of Way

NE1: Biodiversity and Geodiversity

NE3: The Chilterns AONB and its Setting

NE8: Trees, Hedgerows and Woodlands

T6: Vehicle Parking

S4: Green Belt

> **Buckinghamshire Minerals and Waste Local Plan (BMWLP) adopted 2019**

> **Design Advice Leaflets and Guidance Notes**

Residential Extensions Design Guide (2013)

National Design Guide (2011)

Chilterns Building Design Guide (2011)

> **National Planning Policy Framework**

Principle and Location of Development

VALP policy: S1 (Sustainable development for Aylesbury Vale), S2 (Spatial strategy for growth) and S3 (Settlement hierarchy and cohesive development)

- 5.3 The form and scale of the proposed development would not be contrary to policies S1, S2 or S3 of the VALP. The residential use of the site is not to change under this application, there is no net increase of dwellings proposed.
- 5.4 The application site is not located within a minerals safeguarding area and therefore Policy 1 of the Buckinghamshire Minerals and Waste Local Plan 2016-2036 (2019) is not applicable in this instance.

Transport matters and parking

VALP Policy T6: Vehicle Parking, Wendover Neighbourhood Policy SD2: Design for Sustainable Development-Parking

- 5.5 T6 states that all development must provide an appropriate level of car parking, in accordance with the standards set out in Appendix B.
- 5.6 Policy SD2 of the Wendover Local Plan outlines that parking required for development in the neighbourhood area will be supported provided that provision for off-street car parking spaces is made in accordance with the standards set out in the Local Plan, and that any car parking spaces, where required, should use permeable surfaces to allow for rainwater absorption and to maintain a rural character to the streetscene.
- 5.7 The proposed development would result in the loss of a garage, which would be replaced with the proposed single storey front extension. The proposal would not alter the net number of bedrooms within the property.
- 5.8 It is considered that the area of tarmac at the front of the property to remain as indicated on drawing 'Miles SLE 2023 03 14 A SITE LAYOUT, Proposed' received 22nd March, would be sufficient to accommodate the required number of parking spaces that would be lost as a result of the proposed development.
- 5.9 The proposed development is considered to comply with policy T6 of the VALP and policy SD2 of the Wendover Neighbourhood Plan.

Raising the quality of place making and design

VALP Policy BE2: Design of new development, Wendover Neighbourhood Plan Policy SD1: Design for Sustainable Development within the Neighbourhood Plan Area, Residential Extensions Design Guide (2013).

- 5.10 Policy BE2 of VALP states that all new development proposals shall respect and complement the following criteria:
- a) The physical characteristics of the site and its surroundings including the scale and context of the site and its setting,
 - b) The local distinctiveness and vernacular character of the locality, in terms of ordering, form, proportions, architectural detailing and materials
 - c) The natural qualities and features of the area, and
 - d) The effect on important public views and skylines.
- 5.11 Policy SD1 of the Wendover Local Plan outlines that development will be supported provided that:
- a) Their scale, density, height, massing, landscape design, layout and materials, including alterations to existing buildings, reflect the character and scale of the surrounding buildings and of distinctive local landscape features.
 - b) It sustains and enhances the significance of any heritage asset and/or the special interest, character and appearance of the assets including their settings.
 - c) It retains and enhances natural boundaries, including hedgerow and water courses, which contribute to visual amenity or are important for their ecological value.
 - d) It retains and considers the distinctive qualities of the Local Green Spaces within the settlement.
- 5.12 The proposed single storey extension would be approximately 5.75m wide and extend 10.4m from the front of the property. It would have a hipped roof with a ridge height of approximately 3.9m and an eaves height of approximately 2.7m.
- 5.13 The porch to the front of the property which would be approximately 3.8m wide and would extend approximately 2.3m from the front of the property. The porch would have a pitched roof with a ridge height of approximately 3.29m. Both the proposed extension and the proposed porch would be tiled to match the existing property. The applicant also seeks to finish both the proposed alterations and the existing dwelling with white insulated render.
- 5.14 Finally, the applicant seeks to alter the landscaping arrangements within the curtilage of the property by changing the fencing arrangements to the side of the property, adding a small section of fencing to the boundary treatment of the property, and adding hedges to the front of the property.
- 5.15 Regarding the porch, the scale and siting would ensure that it would appear visually subordinate to the host dwelling. The architectural details of the porch, including the pitch of the roof would respect and compliment the character of the host dwelling.
- 5.16 The proposed front extension would be considerably larger than the garage that it would replace. The footprint of the existing garage is approximately 27.10sqm, whereas the footprint of the proposed front extension would be 59.8sqm. The Residential Extensions Design Guide states in the case of front extensions, only small additions which will not harm the quality or character of the building are generally permissible and that large extensions

forward of buildings will generally be resisted in favour of rear or side extensions. The applicant was invited to address officer concerns by reducing the proposed depth but elected not to submit amendments. While it is noted that there are other forward projections in the local area, it is considered that this proposal would be unusually deep, and its scale would not respect the character of the site and its surroundings in conflict with policies BE2 of the VALP and SD1 of the Wendover Neighbourhood Plan.

- 5.17 In general, the materials and architectural detailing of the proposed porch and front extension would respect the character of the host dwelling and the vernacular character of the area. The proposed rendering of the whole property with white render has precedent on Bacombe Lane such as on the properties known as Upper Verney and Little Orchard. The render while acceptable in principle would further increase the prominence of the forward addition, the lack of window or opening on the proposed north-west elevation of the front extension, which previously contained a garage and pedestrian door, would leave a featureless façade.
- 5.18 The proposed alterations to the boundary treatment of the property and the alterations to the fencing separating the front and back garden would not have a negative impact on the character of the dwelling nor would they be out of character with the locality.
- 5.19 The proposed landscaping works have the potential to impact the visual openness of the property. Were the proposed hedges to grow to the height of the existing boundary hedges then, given their proximity to the front of the property, they would have the effect of making the proposed front extension feel cramped on the plot. Given the front of the property is currently visually open when viewed from the front, it is considered that the proposed landscaping would detract from the character of the property and would not respect the open vernacular character of the area. While it is accepted that the landscaping could be planted without consent no formal objection is raised, however it does add to the concerns about the overall design thinking of the proposal.
- 5.20 It is considered that the proposed development would not respect or complement the character of the site and its surrounding and is therefore at odds with policies BE2 of the VALP, SD1 of the Wendover Neighbourhood Plan, and the advice within the Residential Extension Design Guide.

Amenity of existing and future residents

VALP Policy BE3: Protection of the Amenity of Residents, Policy SD1 of the Wendover Local Plan.

- 5.21 Policy BE3 of the VALP states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of existing residents and would not achieve a satisfactory level of amenity for future residents. Amenity can be harmed through an impact on privacy, noise, light pollution, fumes or odours, excessive or speeding traffic, loss of light, and/or the overbearing nature of a new structure.
- 5.22 Policy SD1 of the Wendover Neighbourhood Plan outlines that a proposal that accords with other Plan policies will be supported provided that it does not unacceptably affect

neighbouring properties by way of loss of privacy, daylight, generation of noise or fumes, visual intrusion or loss of amenity.

- 5.23 The proposed front extension would contain ground floor windows facing south-west. Given the considerable distance between these windows and the neighbouring property and the presence of an outbuilding in between it is considered that the proposed development would not unreasonably harm the privacy enjoyed by neighbouring properties.
- 5.24 The relationship of the extensions with St Benedicts, Applegarth or East Riding is such that there would not be any unreasonable loss of light, nor would the extensions result in an unreasonably overbearing relationship.
- 5.25 It is therefore considered that the proposed development would not cause unreasonable harm to any neighbouring properties in line with policy BE3 of the VALP and SD1 of the Wendover Neighbourhood Plan.

Landscape Issues

VALP Policies NE3: The Chilterns AONB and its Setting, and the Chilterns Building Design Guide (2011)

- 5.26 Policy NE3 of the VALP indicates that non-major developments can have an impact on the Chilterns Area of Outstanding Natural Beauty and will be required to:
- a) conserve and enhance the Chiltern AONB's special qualities, distinctive character, tranquillity and remoteness.
 - b) have regard for the Chilterns Building Design Guide by being of high-quality design which respects the natural beauty of the Chilterns, its traditional built character and reinforces the sense of place and local character, and
 - c) avoid adverse impacts from individual proposals (including their cumulative effects) unless these can be satisfactorily mitigated.
- 5.27 The Chilterns Building Design Guide states that the primary consideration when considering developments is to ensure that any new building respects the natural beauty of the Chilterns, reinforcing the sense of place and local character. This can be achieved by retaining landscape features such as hedges and trees, avoiding the creation of 'hard edges' at the edge of settlements. Buildings in the AONB should reflect the distinctive character of the settlements in the AONB.
- 5.28 The Buckinghamshire Council Landscape Officer was consulted and indicated that they had no objections to the proposed development.
- 5.29 While the forward extension is considered overly large when considered on an individual plot basis the impact is localised such that the proposed development would not unacceptably impact the wider Chiltern AONB's special qualities, tranquillity and remoteness in line with Policy NE4 of the VALP.

Ecology

VALP policies NE1: Biodiversity and Geodiversity and NE8: Trees, Hedgerows and Woodlands,

Policy G3 Biodiversity of the Wendover Neighbourhood Plan.

- 5.30 Policy NE1 of the VALP states protection and enhancement of biodiversity, geodiversity and the natural environment will be achieved by adequately mitigating harm and achieving no net loss and net gains in biodiversity.
- 5.31 Policy NE8 of the VALP outlines that development should seek to enhance or expand Aylesbury Vale's tree and woodland resources, including native black poplars. Where trees within or adjacent to a site would be affected by development, a full tree survey and arboricultural impact assessment would be required as part of a planning application. Development that would result in the unacceptable loss of, or damage to, or threaten the continued well-being of any trees, hedgerows, or woodland which make an important contribution to the character and amenities of the area will be resisted.
- 5.32 Policy G3 of the Wendover Neighbourhood Plan outlines that new development shall protect and/or enhance biodiversity and wildlife in the area including through contributing to green infrastructure, connecting with other green spaces and open countryside. All development shall result in a biodiversity net gain to biodiversity in line with National policy expectations. Trees that make an important contribution to the character and amenities of the area are to be protected and more planted, with provision for their ongoing care and maintenance to be considered. All suitable new buildings bordering open spaces will be required to incorporate integrated swift and bat boxes.
- 5.33 The site does not fall within a red or amber impact zone for Great Crested Newts, nor are there any black or hybrid poplars or trees protected via Tree Preservation Orders.
- 5.34 The applicant submitted a tree report alongside their application which indicated that two grade B1 trees, and two B2 grade hedges were present within the application area. The Buckinghamshire Council Tree Officer was consulted and indicated that, were permission to be granted, a pre-commencement condition securing the submission and implementation of an approved tree protection plan would be necessary to safeguard the trees present on site during the construction process.
- 5.35 The applicant has also highlighted on drawing Miles SLE 2023 03 14 A SITE LAYOUT, Proposed (received 22nd March 2023), that two biodiversity features will be installed as part of the development. Insect hotels would be introduced within the front curtilage of the property and a new bird/owl box would be installed within the birch tree at the front of the property. These features would represent a net gain in Biodiversity.
- 5.36 Given the scale of the proposed development it is considered unlikely that the development would have a harmful impact on any protected species or priority habitats.
- 5.37 It is therefore considered that the proposed development would comply with policies NE1 and NE8 of the VALP and policy G3 of the Wendover Neighbourhood Plan.

Green Belt

VALP policy S4: Green Belt, NPPF Section 13.

- 5.38 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 further states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 5.39 Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate within the Green Belt with several exceptions. Subsection (c) lists the exception of 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.
- 5.40 Policy S4 of the VALP states that within the Green Belt land will be protected from inappropriate development in accordance with the national policy. Small-scale development will be supported providing that their provision preserves the openness of the Green Belt, and does not conflict with the purposes of including land within it. Subsection (e) defines small scale development in the context of residential extension as: extensions and alterations to buildings in the Green Belt that are not out of proportion with the original building, normally no more than 25-30% volume increase of the original building.
- 5.41 Volume calculations were undertaken by the case officer. The case officer has not information to suggest that the property was extended prior to 1977. Existing drawings on the file for the 1977 application (77/00505/AV) are considered to represent the original building. The volume of the original building was calculated to be 723.27 cubic metres.
- 5.42 The building has been extended twice before the current application. Decision 77/00505/AV added a first floor rear extension which added 44.85 cubic metres to the property. Decision 80/02053/AV added a ground floor side extension which added a further 39.66 cubic metres. Both extensions represent a 11.69% increase to the original property.
- 5.43 The proposed front extension and front porch would add on an additional 152.93 cubic metres (this takes into account the demolition of the existing garage and stores at the front of the property). This would represent a 33% increase in volume from the original building. As such the proposed extension would not fall within the 25-30% volume increase advised as normally acceptable within policy S4.
- 5.44 Paragraph 137 of the NPPF 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. In deciding Green Belt applications consideration has to be given to both the visual and spatial openness, as was outlined in *John Turner v Secretary of State for Communities and Local Government & East Dorset Council* [2016] EWCA Civ 466 at paragraph 25. It is therefore pertinent to assess the impact the proposed development would have on both the visual and spatial openness of the Greenbelt.
- 5.45 Visually the site is mostly screened from the road by the existing dense hedgerow that

forms the front and side boundary treatments. As noted above, the proposed landscaping works, including the addition of two new hedgerows directly in front of the property have the potential to impact the visual openness of the site if they grew to a size where they could obscure the view of the front of the property, but it is accepted that such a hedge would not necessarily require planning permission. In 1977 the site was relatively open, and this openness has been impacted already by the addition of a detached double garage in 1986 at the front of the property. While VALP Green Belt policy does not allow for the consideration of outbuildings within calculations, it is worth noting that if the detached double garage were taken into consideration for volume increase calculations it represents a 25.48% increase in volume along with the other extensions to the building a 46% increase in conjunction with the proposed works.

- 5.46 The proposed front extension would extend much closer to the shared boundary between St Benedicts and Applegarth than the existing projection and would extend significantly further forward from the house than existing garage. The ridge height of the proposed extension would be higher than the roof of the existing attached garage thus increasing its prominence within the site. The applicant was invited to submit amendments to reduce the depth and prominence but elected not to submit amended plans. It is considered that the proposed works would result in a detrimental impact on spatial openness of the site, especially when the cumulative effects of previous extensions on the site are considered.
- 5.47 It is considered that the proposed works would be out of proportion to the original building and represents an increase of over the 25-30% increase in volume suggested as guidelines by policy S4. An on-balance decision is required, and while it is noted that the figures within S4 are a guide, the increase in volume, in combination with location, finish and height increase of the proposal represents a development that has an unacceptable impact on the spatial openness of the Green Belt. Therefore, the proposed works would not accord with policy S4 of the VALP or Section 13 of the NPPF.

Public Rights of Way

VALP policy C4: Protection of Public Rights of Way

- 5.48 Policy C3 of the VALP states that the council will enhance and protect public rights of way to ensure the integrity and connectivity of this resource is maintained. Planning permission will not normally be granted where the proposed development would cause unacceptable harm to the safe and efficient operation of public rights of way.
- 5.49 A public right of way runs directly adjacent to the western edge of the curtilage of the property at St Benedicts. In this instance it is considered that the nature of the proposed works would ensure that there would not be a detrimental impact on any public right of way. Therefore, the proposed development would accord with policy C4 of the VALP.

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.

- 6.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
 - c. Any other material considerations
- 6.3 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.4 As set out above it is considered that the proposed development would accord with development plan policies BE3, C4, NE1, NE3, NE8, and T6 of the Vale of Aylesbury Local Plan. As outlined above it is considered that the proposed development would not accord with policies BE2 and S4 of the Vale of Aylesbury Local Plan or section 13 of the NPPF.
- 6.5 **Human Rights Act 1998:** There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.
- 6.6 **Equalities Act 2010:** Local Planning Authorities, when making decisions, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

7.0 Working with the applicant / agent

- 7.1 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

7.3 In this instance the agent was provided the opportunity to submit amendments to address issues raised. These amendments were not provided and the application was called into committee.

8.0 Recommendation

- 8.1 The recommendation is that the application be **Refused** for the following reason(s):-
- a) The design of the proposed development, by reason of its forward projection, siting, scale and finish would fail to respect the character of the original dwelling and as such would not comply with policy BE2 of the VALP or the guidance contained within the Residential Extensions Design Guide.
 - b) The proposed development by reason of its forward projection, scale and siting is considered out of proportion with the original building when the assessed against policy S4 of the VALP. The development is considered contrary to the aims of Green Belt policy and represents a development that would not maintain the openness of the Green Belt in line with Section 13 of the NPPF and Policy S4 of the VALP.

Appendix A: Consultation Responses and Representations

Appendix B: Site Location plan

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Councillor Steve Bowles of Wendover, Halton and Stoke Mandeville Ward Council received 24th May 2023: 'I have looked at this application and to me even though it is just over the 25-30% rule for buildings in the greenbelt it would not have an adverse effect therefore I would like to call in this application'

Further Comment on 25th May 2023: 'My main reason is that I felt it was only slightly over the acceptable range and that the proposed extension would not be over dominant on the openness of the green belt.'

Parish/Town Council Comments

Wendover Parish Council: 'Wendover Parish Council neither support nor object to the planning application'

Consultation Responses (Summarise)

Tree Officers

Comments: No objections to the proposals, subject to a condition for a tree protection plan.

Chilterns Conservation Board

Comments: No comments had been received from the Chilterns Conservation Board at the time of drafting this report.

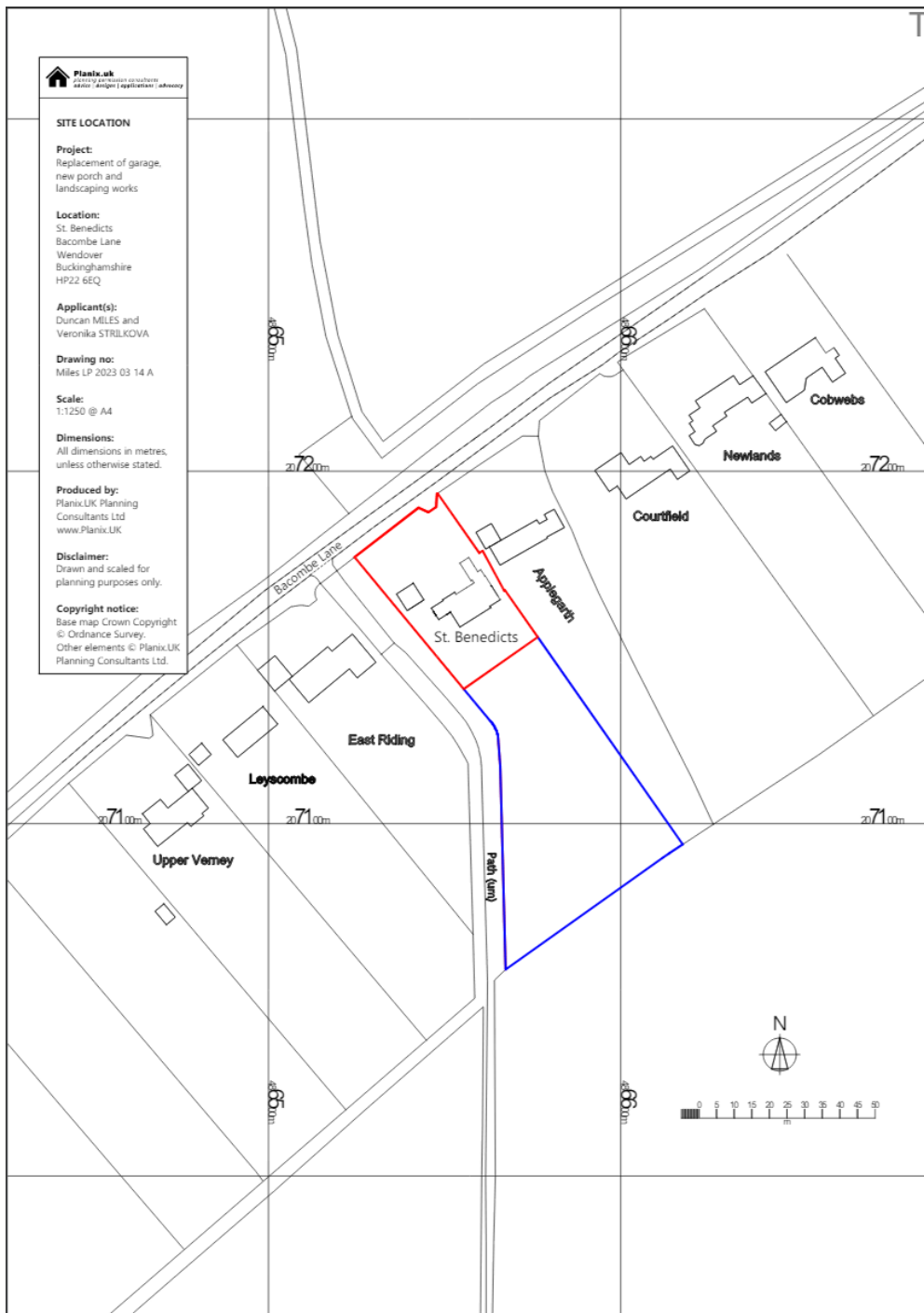
Landscape

When consulted verbally on 13th June 2023 the Landscape Officer indicated that there were no objections from a landscape perspective.

Representations

No representations had been received from the public at the time of drafting this report.

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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