

Appeal Decision

Site visit made on 23 September 2016

by Timothy C King (BA Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 October 2016

Appeal Ref: APP/B1550/D/16/3154146

4 The Terrace, Parkhurst Drive, Rayleigh, SS6 9RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Adam Richards against the decision of Rochford District Council.
 - The application Ref 16/00403/FUL, dated 26 April 2016, was refused by notice dated 10 June 2016.
 - The development proposed is '*Single storey extension with flat roof including feature roof lights.*'
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - i) whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework);
 - ii) the effect of the proposal on the openness of the Green Belt;
 - iii) as to any other harm resulting, the effect of the proposal on the living conditions of neighbouring occupiers; and
 - iv) if it is inappropriate development, whether the harm by reason of inappropriateness and by reason of any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development

3. The appeal property is a two-storey cottage sited mid-terrace. To the rear, in common with the two successive neighbouring cottages northwards, it shares a two-storey tunnel-back feature, with No 3, its immediate neighbour to the south. Both Nos 3 and 4 also have rather aged, shallow, single-storey lean-to additions which, of partial width, attach to the tunnel-back's rear wall. The proposal would involve the removal of the lean-to and its replacement with an
-

L-shaped single-storey rear extension. This would infill the existing recess, and run along the common boundary with No 5, before wrapping around the tunnel-back.

4. Rochford District Council's Local Development Framework Development Management Plan (DMP), which the Council relies upon in its first reason for refusal, was adopted in 2014, subsequent to the national guidance provided within the National Planning Policy Framework (the Framework) which itself was issued in 2012.
5. As a starting point, in advising on related Green Belt issues, the Framework states that inappropriate development is, by definition, harmful to the Green Belt. To clarify, all development is inappropriate unless, in the case of any new building constructed, it falls within one of the exceptions referred to in paragraph 89 of the Framework. This would include the extension of an existing building which, provided that it does not result in disproportionate additions over and above the size of the original building, would not necessarily amount to inappropriate development.
6. The Framework provides no clear guidance over what may, or may not amount to disproportionate additions. In this particular instance the Council has provided figures, which the appellant has not disputed, to show that the net increase in floorspace would amount to some 36.87 sqm. In contrast, the Council's DMP does provide a yardstick in this respect, whereby Policy DM17 thereto indicates the extensions to dwellings in the Green Belt will be considered favourably provided that the increase would be no more than 25% in internal floorspace on the original dwelling. Other provisos relate to the proposed development's effect on the character and appearance of the Green Belt and whether the extension would involve a material increase in the overall height of the dwelling. In this particular instance, the latter would not apply and I shall address the former under the next main issue.
7. Given that the proposal involves a relatively small-scale dwelling, and taking into account its mid-terrace positioning, I consider that the extent of the proposed development would be pronounced and of heightened significance. Although a one size fits all approach does not necessarily take into account individual circumstances, in this instance I am of the opinion that an increase of nearly 12% over that deemed acceptable by the Council would represent a disproportionate addition over and above the size of the original building and would constitute inappropriate development. To this end the proposal would materially conflict with the essence of DMP Policy DM17 and also the relevant advice within the Framework.

Openness

8. The Framework states that an essential characteristic of Green Belts is their openness and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land within them permanently open.
9. The appeal dwelling is contained within its curtilage by relatively high fencing and sits adjacent to a rear extension at No 5 of substantial depth. Although its width stops short of the common boundary with No 4, its roof pitches into the host dwelling's tunnel-back's side wall and remains constant, rearwards. Although the proposed extension at No 4 would encroach into its rear garden,

given the contextual setting the impact on the openness of the Green Belt would be minimal and I thereby disagree with the Council that the proposal would be detrimental to the Green Belt's openness.

10. Accordingly, I conclude that the proposal would not impact on the Green Belt's openness and, to this extent, as the character and appearance of the Green Belt would not be significantly affected, there would be no material conflict with proviso (ii) of DMP Policy DM17.

Living conditions

11. The proposed extension, along its common boundary with No 5, would run to a total depth of approximately 8.35m. Although its flat roof would be to a height of some 2.8m, its perimeter parapet would extend to over 3m. The extension would also sit south of No 5.
12. On this main issue I must have regard to the appellant's fallback position under a householder's permitted development entitlement which would allow for a single-storey rear extension, up to the common boundary, to both a maximum depth and height of up to 3m. Further, any additional parapet height would not be included in this limit. In this instance, although No 5's recessed wall has a window opening and notwithstanding the property's relative orientations, its own substantial rear extension, due to both its depth and height, has already significantly impacted upon this rear facing window. Given, that a 3m deep rear extension could be built at No 4, without the benefit of planning permission, the extra depth here proposed would have little additional impact as the overshadowing would already be significant.
13. The Council acknowledges that the effect of the proposed extension would be lessened with regard to the other neighbouring property. Due to its reduced depth along this common boundary, the fact that No 3 has an existing rear addition and also the relative orientations involved, which would here work in favour of No 3's occupiers, the proposal would not give rise to any significant harm in this regard.
14. On this main issue I have concluded that the proposal would not be harmful to the living conditions of neighbouring occupiers, and there would be no conflict with the aims of DMP Policies DM1 or DM3.

Other matters

15. The appellant refers to the limited infilling, or the partial or complete redevelopment of previously developed land, as amounting to an exception to the Framework's consideration that the construction of new buildings are inappropriate in the Green Belt. This may be the case but the wording of such implies a level of development beyond that of an extension to an existing building for which I have already discussed the more relevant proviso in para 89 of the Framework.
16. The appellant has provided no substantiating evidence as to his considered opinion that the proposed development is consistent with both "national and regional policy." The fact that a proposed extension might occupy previously developed land does not, for reasons I have discussed, automatically cancel any considered inappropriateness by way of the Framework. Besides, the

Framework does not regard residential garden space as constituting brownfield or previously developed land. Further, as I have shown, the proposal is not consistent with all of Policy DM17's criteria.

17. I note the appellant's grievance that a working relationship with the Council's case officer did not apparently arise during the application process. However, this does not affect the planning merits, or otherwise, of any particular development. In this instance, even if the process had been handled differently there is no indication, due to the policy conflict, that the Council would have reached a different decision.
18. The appellant has also provided me with examples of 'similar or larger' extensions in the locality and also other nearby developments allowed within the Green Belt. Each case has its own particular circumstances and individual merits and direct parallels are not easily drawn. Whilst I have had regard to these examples their relevance is not so compelling as to outweigh my conclusions on the first main issue.
19. The Council, for its part, in considering that the proposal would be an intrusive and unneighbourly development, and also out of scale with the host property, makes the assertion that this represents poor quality design. Although I have found the proposal to be a disproportionate addition to the building I have not found that it would be harmful to neighbouring occupiers. Further, I do not consider that the extension's size would necessarily constitute poor quality design; the two terms are not mutually dependent, and I have no reason to believe that such an extension elsewhere, given a similar relationship to neighbouring properties but located outside Green Belt designation, would not satisfactorily integrate into its immediate context.

Inappropriateness and Very Special Circumstances

20. Although I have not found that the proposed extension would materially impact on the Green Belt's openness nor be harmful to neighbouring occupiers its proposed size, given the Framework's advice and the requirements of DMP Policy DM17, leads me to conclude that the proposal would represent a disproportionate addition over and above the size of the original building.
21. From the evidence provided and also the findings from my site visit I have not identified anything sufficiently material to show that the harm by reason of inappropriateness is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development. I must therefore conclude that such circumstances do not exist in this instance.

Conclusion

22. For the above reasons, and having had regard to all other matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR