

Appeal Decision

Site visit made on 27 September 2016

by Mr Kim Bennett BSc DipTP MRTPI

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

Decision date: 12 October 2016

Appeal Ref: APP/M1595/D/16/3153332

Willow Cottage, Southend Road, Corringham, Thurrock SS17 9EY

- 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 Kevin Gunson against the decision of Thurrock Council.
 - The application Ref 16/00333/HHA, dated 9 March 2016, was refused by notice dated 10 May 2016.
 - The development proposed is a loft conversion.
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Decision

1. The appeal is allowed and planning permission is granted for a loft conversion at Willow Cottage, Southend Road, Corringham, Thurrock SS17 9EY in accordance with the terms of the application, Ref 16/00333/HHA, dated 9 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PA-197-01; PA-197-02 and PA-197-03.

Main Issues

2. The main issues are: Whether the proposal would be inappropriate development in the Green Belt; the effect of the proposal on the openness of the Green Belt; if the proposal would be inappropriate development, 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 the development.

Reasons

Whether inappropriate development

3. The appeal site comprises a detached bungalow located on a substantial plot on the north west side of Southend Road. It is set well back from the road and partially screened by mature vegetation. The property lies outside of any built up settlement and within the Metropolitan Green Belt.
4. The bungalow has been extended in the past through various extensions and the Council advises that this has increased the floorspace from an original 61 sq.m to 122 sq.m. I note that the appellant has not disputed those figures although comments that they were mainly carried out in the 1960s, thus predating the Local Plan and the National Planning Policy Framework (the

Framework). More recently, permission was granted in 2014 (the 2014 permission) for the replacement of flats roofs with new pitched roofs, with a condition being imposed preventing the use of permitted development rights to convert the loft space¹. I saw at my site visit that whilst the roofspace accommodation has been boarded and there is unencumbered floor to ceiling space over its greater part, there is no natural light to that space and I therefore do not regard it as existing habitable space. In that context, the Council advises that the addition of that space to habitable accommodation would add approximately 90sq.m of further floorspace, so that the total habitable floorspace of the bungalow would be well over 3 times that of the original bungalow.

5. The Council's approach towards extensions in the Green Belt is set out in Policy PMD6 of its Core Strategy and Policies for Management of Development 2011 (CSPMD) which says that extensions must not be disproportionate to the original building, which in Thurrock means no larger than two reasonably sized rooms. That approach follows on from Annexe 8 of the Council's Local Plan 1997 (LP) which also referred to permitting a maximum sized extension represented by the equivalent of two reasonably sized rooms. Both approaches are generally consistent with the Framework which sets out in paragraph 89 that the construction of new buildings are inappropriate within the Green Belt subject to certain exceptions. One of these relates to 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.
6. Although as the appellant points out, the Framework does not define in numerical terms what is meant by disproportionate, it is clear in both that guidance, and the Council's own policies that the starting reference point is the original dwelling. In my view therefore, however one interprets the above terms, the extent of alterations carried out to date, coupled with the currently proposed increase in floorspace would be disproportionate and result in more than two reasonably sized rooms when compared to the original dwelling. Accordingly, the proposal would amount to inappropriate development within the Green Belt and contrary to Policy PMD6 of the CSPMD, Annexe 8 of the LP and the Framework. In that context, the Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Although the appellant argues that the footprint of the building would not be extended, that would only be in relation to conversion of newly created floorspace as opposed to the original floorspace or size of the dwelling.

Openness

7. The bungalow is not readily apparent in the wider landscape, being largely screened from view by vegetation when approaching in either direction along Southend Road. It is also totally screened to the north west from the A13 by a boundary screening and intervening field. Although the bungalow is visible from the front, there would be no change in appearance from that direction as a result of the proposal. Indeed, the only physical alterations to the current appearance would be the insertion of 5 small rooflights, which would only be apparent from well within the site. Any recent significant changes to the

¹ Application Ref 14/00362/HHA

appearance of the bungalow and its effect on openness would have been caused by the addition of the pitched roofs as a result of the 2014 permission, rather than the current proposal, which the Council presumably considered to be acceptable at the time in terms of its visual impact in relation to the Green Belt.

8. I find on this issue therefore that there would be no harm arising to the openness or open character of the Green Belt as a result of the proposal and therefore no conflict with Policy PMD6 in that respect, nor with the objectives contained within the Framework which defines the essential characteristics of Green Belts as their openness and permanence.

Very special circumstances

9. The Framework makes it clear that very special circumstances will not exist unless the potential harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In that respect, I attach significant weight to my findings above in that there would be virtually no impact upon openness, the character and appearance of the existing building in the surrounding countryside would not be altered, and no objections have been raised by the Council on design grounds, a view with which I concur. Consequently there would be no conflict with adopted Council policies in those respects.

Overall balance and conclusion

10. Having regard to the above, I find that harm caused by reason of inappropriateness, is clearly outweighed by other considerations in these particular circumstances, so as to amount to the very special circumstances necessary to justify the development. Although there is conflict with the Council's policies in respect of more than two reasonably sized rooms being created, the special circumstances of the case justify a more flexible approach being taken in this instance. In reaching that conclusion, I stress that it is based on the particular site issues of this case, which may not be the same in other situations. In that respect, I note that the Council has drawn my attention to an apparently similar case. Whilst I am not aware of the full details, I note that in that instance the Inspector was also concerned about the impact of a proposed porch extension, rear dormer and balcony and that it was a combination of factors which led to his conclusion in that case².
11. A condition requiring the development to be carried out in accordance with the approved plans is necessary in the interests of certainty. However the condition for matching materials suggested by the Council is not necessary in this case given that the only external development relates to the insertion of 5 rooflights and none exist at present.
12. Accordingly, the appeal is allowed and planning permission granted.

Kim Bennett

INSPECTOR

² Appeal Ref APP/M1595/D/15/3029745