

Appeal Decision

Site visit made on 11 October 2016

by P Eggleton BSc(Hons) MRTPI

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

Decision date: 19 October 2016

Appeal Ref: APP/H1515/D/16/3157976

Grove Cottage, Little Hyde Lane, Ingatestone CM4 0HN

- 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 and Mrs Burrows against the decision of Brentwood Borough Council.
 - The application Ref 16/00762/FUL, dated 13 June 2016, was refused by notice dated 16 August 2016.
 - The development proposed is a single storey rear orangery.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would amount to inappropriate development within the Green Belt; whether there would be any other harm to the Green Belt; and whether the 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 necessary to justify the development.

Reasons

3. The proposal would result in a rear extension to this property which lies within the Green Belt. Policies GB1 and GB2 of the Brentwood Replacement Local Plan 2005 (LP) advise that permission will not be given for extensions to dwellings unless they are for purposes appropriate in the Green Belt unless very special circumstances exist; proposals should not conflict with the purposes of including land within the Green Belt; and the precedent created by allowing even an individual innocuous or well-merited proposal which cumulatively would undermine Green Belt objectives will be taken into account.
 4. The *National Planning Policy Framework* advises that new buildings should be regarded as inappropriate unless they fall within an exception set out in paragraph 89. The exceptions include 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. The *Framework* does not specify a figure as to what represents a disproportionate addition. This is also the case with regard to the LP policies that have been provided. With regard to house extensions, although the appellants suggest that the LP policies are out of date, I find them
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to be generally consistent with the *Framework* and afford them significant weight.

Inappropriateness and any other harm

5. The Council refer to the planning history and the size of the property in 1967. They advise that the cumulative additions resulting from the previous extensions and the current proposal, would contribute to an increase of over 100% with regard to the footprint of the original dwelling and over 200% with regard to floorspace. The appellant disagrees with the Council's figures but no alternative calculations have been provided. It is however suggested that the more recent side extension should not be considered as when it was approved, it was accepted that it would not increase habitable floor space.
6. Detailed plans have not been provided with regard to the extensions that have been added to the property since 1967. However, the description of the applications includes side extensions to either side of the dwelling; an extension that joined the detached garage to the main house; and an additional rear extension, porch and roof canopy. Even excluding the recently approved side addition, I consider that the extensions described above have already substantially increased the size of the original dwelling. On the basis of the floor plans provided and my inspection of the site, I find that they have resulted in disproportionate additions over and above the size of the original building.
7. The proposal does not fall within any of the exceptions with regard to extensions in the Green Belt that are set out in the *Framework*. This further addition would therefore represent inappropriate development in the Green Belt. The appellants suggest that the Council has not identified any significant meaningful harm to Green Belt policy that would result from the construction of such a small rear extension. However, the *Framework* is clear that inappropriate development is, by definition, harmful to the Green Belt and substantial weight should be given to that harm.
8. The additional structure would be of limited scale and would be closely related to the existing built form. Whilst the additional volume of development would inevitably reduce openness, given its limited size and its position, I accept that it would not result in materially greater harm with regard to the openness of the Green Belt. Whilst such a small addition to an existing dwelling would have little individual harm to the purposes of the Green Belt, it would result in some conflict with the purpose of safeguarding the countryside from encroachment and also the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open.

Other considerations

9. It is accepted that the orangery would be of a good standard of design that would complement the host dwelling and it would offer improved accommodation for the appellants. It would have no wider impact on the character or appearance of the area and it would satisfy the design requirements of LP Policy CP1. It would require investment and would provide employment during its construction. These considerations provide weight in favour of the proposal.

10. The appellants refer to the permitted development rights that remain relevant to this property. It is suggested that a rear extension to the original section of the dwelling could be erected without formal consent and that these works would be more harmful to the openness of the Green Belt. I have no reason to dispute this suggestion although I also have no evidence that such works would be likely should this appeal fail. However, this is a consideration that provides further weight in favour of the proposal.

Conclusions

11. The proposal represents inappropriate development in the Green Belt. The *Framework* establishes that inappropriate development is, by definition, harmful to the Green Belt and substantial weight should be given to that harm. Policy GB1 advises that approval of inappropriate development will not be given, except in very special circumstances. The *Framework* includes similar guidance and is clear that very special circumstances 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.
12. The appellant has put forward a number of considerations that weigh in favour of the proposal. Overall, I do not find that these considerations clearly outweigh the harm from inappropriateness. They do not therefore represent the very special circumstances that are necessary to justify the development. It would therefore be contrary to LP Policy GB1. There are no material considerations that suggest that this decision should not be made in accordance with the development plan.
13. It is suggested that the proposal represents sustainable development and should therefore be approved. However, the *Framework* requires that the policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. These paragraphs include the *Frameworks'* requirements with regard to Green Belts. The proposal would conflict with these specific policies. Even if I were to consider that the LP is out of date, as suggested by the appellants, the proposal would conflict with the requirements of the *Framework*. The specific policies of the *Framework* relating to the Green Belt indicate that the development should be restricted. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR