

Appeal Decision

Site visit made on 11 October 2016

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 24 October 2016

Appeal Ref: APP/B1550/D/16/3154763

10 Goose Cottages, Chelmsford Road, Rawreth, Essex SS11 8TB

- 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 Stuart Wortley against the decision of Rochford District Council.
 - The application Ref 16/00175/FUL, dated 24 February 2016, was refused by notice dated 13 May 2016.
 - The development proposed is the removal of small, existing bathroom extension and erection of two-storey side extension, consisting of garage at ground level and single bedroom with en-suite bathroom above.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. For accuracy, I have added the house number to the address in the banner heading above as given in the appeal form, which concurred with what I saw on-site.

Main Issues

3. The site is within the Green Belt and the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework 2012 (the Framework);
 - The effect of the proposal on the openness of the Green Belt, and;
 - 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 it.

Reasons

Whether inappropriate development

4. The site is one part of a pair of semi-detached houses in a small group of similar houses standing on opposite sides of the Chelmsford Road, in the Green Belt. The proposal is to replace the single-storey side extension with a two-storey side extension.
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5. The Framework sets out that new buildings within the Green belt are inappropriate unless, amongst other things, it involves the extension of a building. This is provided that it does not result in disproportionate additions over and above the size of the original building. Policy DM17 of the Rochford District Council Local Development Framework Development Management Plan 2014 (DMP) says that applications for extensions to dwellings in the Green belt will be considered favourably provided that they would result in no more than a 25% increase in internal floor space of the original dwelling; that they do not increase the height of the dwelling; and that they avoid a negative impact on the character and appearance of the Green Belt.
6. The Council measures the internal floor area of the original dwelling as 64m². To the area of the rear extension to be retained, 14m², it adds the internal floor area of the proposal, while discounting the area of the proposed garage at ground level, which would be 21m². The increase in floor area of the proposal, 35m², over the area of the original dwelling of 64m², would be equivalent to an enlargement in area of 55%, a substantial increase in the size of the dwelling. While the proposal would not increase the height of the dwelling and the Council raises no objection to the design of the proposal, it would be significantly greater than the threshold in DMP Policy DM17. Comparing the original building to the one that would result if the proposal were to go ahead, the outcome would be disproportionate. It would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

Openness

7. The fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to keep land permanently open. The proposal would resemble the existing building's appearance, and there would be no visual intrusion into the openness of the Green Belt. However, the increase in the volume of development on the appeal site when compared with the existing situation would reduce to a significant degree the amount of undeveloped built form in the gap between this dwelling and the dwelling on the adjoining plot to the north. This would diminish the openness of the Green Belt. This weighs against the proposal.

Other considerations

8. The Framework advises that inappropriate development in the Green Belt should not be approved, except in very special circumstances. 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.
9. The appellant suggests that there is potential to provide a single-storey side extension and a single-storey rear extension under permitted development rights which would have a greater impact on openness and on character and appearance than the scheme in this appeal. However, the side extension suggested would be significantly less wide than this proposal and single-storey rather than two-storey. The rear extension would be no wider than the existing house. I consider the impact on openness in the alternative schemes would be not as great as the impact in this proposal. They do not therefore amount to very special circumstances.

10. I appreciate the appellant's point that some of the houses in this group were extended in a similar way as in this proposal under the previous Local Plan. Under section 38(6) of the Planning and Compulsory Purchase Act 2004, I am bound to determine the appeal in accordance with the present development plan unless material considerations indicate otherwise. I note that the extended houses amount to no more than a quarter of those in the group, which generally retains a significant openness both between neighbouring houses within the group, and between the group and the surrounding, rural landscape. In this spatial context, I therefore accord limited weight to the bearing of the houses extended under the previous Local Plan.
11. I note that the adjoining house has been extended, but do not consider that the elevation of the pair of houses needs rebalancing. I acknowledge that the extension would provide additional living and working space, but this and the factors above do not clearly outweigh the substantial weight I must accord to the potential harm to the Green Belt from the inappropriate development proposed, which would reduce the openness of the Green Belt. No other considerations have been put before me which outweigh the harm identified. I therefore conclude that the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist in this case.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR