

Appeal Decision

Site visit made on 9 November 2016

by C J Leigh BSc(Hons) MPhil MRTPI

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

Decision date: 24 November 2016

Appeal Ref: APP/M1520/D/16/3157946

38 The Dale, Benfleet, Essex, SS7 1TD

- 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 John Seeley against the decision of Castle Point Borough Council.
 - The application Ref 16/0403/FUL, dated 26 May 2016, was refused by notice dated 20 July 2016.
 - The development proposed is a rear extension at ground floor level to provide additional bedroom and en-suite.
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Preliminary matters

1. The Council states that the appeal property lies within the Metropolitan Green Belt. The appellant disputes this, and says the property lies partly within the Green Belt and partly within a residential area, and has provided me with a copy of the Proposals Map from the adopted Castle Point Local Plan 1998. This shows areas in green as 'Green Belt' and in pink as 'Residential'. The majority of the appeal site is green, whilst all the housing to the north is pink.
2. I note the appellant's observation that there is a thin line of green-pink colouring that runs across part of the appeal property itself, and I acknowledge that the Proposals Map is not as clear as one might hope. But in my judgement it is clear that the intention of the Map is to show the boundary between Green Belt and Residential is along the northern side of the appeal site, as such a line continues along the southern boundaries of the two adjoining properties along The Dale, and also the southern boundaries of the nearby Cherrymeade properties: if the appellant's interpretation were true of what constitutes the Residential area, then the Proposals Map would be showing a strip of Residential area within open land south of the gardens of Cherrymeade, which cannot be the intention of the Map.
3. On the balance of probabilities it is therefore my judgement that the appeal site does lie within the Metropolitan Green Belt, and I have determined the appeal on this basis.

Decision

4. The appeal is dismissed.
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Main issues

5. The first main issue in this appeal is whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework and development plan policy, and the effect on the openness of the Green Belt. The second main issue is, if the proposal is 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 the proposal is inappropriate development and effect on openness

6. The Framework states that, provided that it does not result in disproportionate additions over and above the size of the original building, the extension or alteration of dwellings is not inappropriate in Green Belts. Saved Policy GB5 of the Castle Point Local Plan 1998 allows for the extension of existing dwellings within the Green Belt provided they satisfy certain criteria, whilst Appendix 2 of the Local Plan sets out what the Council may consider a 'reasonable' extension to such dwellings. This makes reference to a figure 25 cubic metres over the volume of extensions that might occur by virtue of permitted development rights as set out in the Town and Country Planning (General Permitted Development) Order 1995 (GPDO), which have since been superseded by the GPDO 2015 (as amended). However, I consider the content of Appendix 2 to remain a useful indicator as to what the local planning authority may consider to be an acceptable extension to dwellings in the Green Belt and so the guidance in Appendix 2 remains a material consideration.
7. The property has been extended in the past through grants of planning permission in 1995, which have seen two side extensions and a conservatory addition. The extension now proposed would see an addition to the western end of the property, so extending the length of the building. The Council inform me that the volume of the original property was 477 cu m, and that the proposed extension would, together with the previous extensions, lead to a property with a volume of 712 cu m, or 49% over the original. This would be a 235 cu m increase, which compares to the guidance figure of 96.5 cu m if the provisions of Appendix 2 are considered. The appellant does not dispute the Council's figures.
8. I concur with the Council that these figures are indicative of a further extension that would lead to a disproportionate addition over and above the size of the original building: although the appellant has referred to the extension the subject of this appeal as being modest and a simple continuation of the existing property, the Framework is clear that the test to be applied relates to consideration of all additions to a property, and that regard must be paid to the size of the original dwelling. The current proposals would represent a further cumulative addition that results in the property appearing disproportionate to the size of that original building.
9. The extension would increase the volume of the property on the site through the additional building mass created both in its footprint and the height, whereby the roof-form of the existing building would be continued. I agree with the Council that this additional building mass on the site would harm the

openness of the Green Belt, and the Framework states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

10. It is thus concluded on the first issue that the scale of the proposed extension would represent a disproportionate addition to the original building, and lead to harm to the openness of the Green Belt. The proposals therefore represent inappropriate development that is, by definition, harmful to the Green Belt and in conflict with the Framework and Policy GB5 and Appendix 2 of the Local Plan. I attach substantial weight to this harm.

Other considerations

11. The Framework advises that 'very special circumstances' to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
12. The proposals would lead to the removal of an existing outbuilding located close to the dwelling. However, the extension would be taller and of a greater volume than that building, and so would have a greater impact on the openness of the Green Belt. I therefore place little weight on this matter.
13. The proposed extension would not lead to harm to living conditions of adjoining residents due to the distance retained to other properties. However, I have found that the scale of the proposed extension would lead to a disproportionate addition and harm to the openness of the Green Belt. I do not consider the matters raised in support of the proposals to clearly outweigh the substantial weight which must be attached to the harm to the Green Belt by reason of inappropriateness.

Conclusion

14. For the reasons given, and having regard to all other matters raised by the appellant in support of the case, the conflict with national and local planning policy means that the appeal fails.

C J Leigh

INSPECTOR