

Appeal Decision

Site visit made on 11 November 2016

by S Poole BA(Hons) DipArch MPhil MRTPI

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

Decision date: 25 November 2016

Appeal Ref: APP/V1505/D/16/3159866

Grosvenor House, Jubilee Road, Crays Hill, Billericay, Essex CM11 2YF

- 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 Ms Anne Butcher against the decision of Basildon Borough Council.
 - The application Ref 16/00633/FULL dated 4 May 2016, was refused by notice dated 4 July 2016.
 - The development proposed is a single storey side extension to bungalow
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues in this case are:
 - (i) whether the proposal would be inappropriate development for the purposes of section 9 of the National Planning Policy Framework (2012) (the Framework) and development plan policy;
 - (ii) the effect of the proposal on the openness of the Green Belt; and
 - (iii) if it 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 would be inappropriate development

3. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt is inappropriate. A number of exceptions to this are identified including proposals comprising 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.
 4. Policy BAS GB4 of the of the Basildon District Local Plan (1998) Saved Policies (2007) (BDLP) allows in principle for dwellings in the Green Belt to extend to 90sqm or by 35sqm over and above the original floor area of the dwelling, whichever is the greater.
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5. Proposals for a change to the Council's approach to development in the Green Belt to allow dwellings, in principle, to extend to 180sqm or by 35sqm over and above the original floor area of the dwelling, whichever is the greater, were contained in the Council's Replacement Local Plan Re-deposit (RLP). However, on 29 June 2006 the Council resolved to withdraw the RLP and to proceed with the Local Development Framework. Nevertheless, it also agreed that the policies contained in the RLP should be treated as a material consideration in the determination of planning applications. However, as there is nothing before me to demonstrate that this RLP policy has been found to be consistent with the Framework, I attribute limited weight to it.
6. The appeal property is a detached bungalow. It occupies a large rectangular plot which includes 2 outbuildings situated to the rear of the house. The property was built in 1923 and extended to the northern side in 1952. The information before me indicates that the original dwelling had a floor area of about 58sqm and the floor area is now about 125sqm.
7. The proposed side addition would add a further 50sqm of the floor area thus resulting in a dwelling that would be more than three times the size of the original. In my judgement this increase in floor area, combined with the substantial earlier addition, would result in disproportionate additions over and above the size of the original building. The proposal is therefore contrary to paragraph 89 of the Framework and BDLP Policy BAS GB4. It would be inappropriate development that is, by definition, harmful to the Green Belt. I attribute substantial weight to this.

Openness of the Green Belt

8. Paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
9. The proposal would increase the overall volume, bulk and amount of development on the site reducing, and therefore causing harm to, the openness of the Green Belt. The proposal therefore also conflicts with the Framework in this respect, a matter to which I also attribute substantial weight.

Other considerations

10. I turn now to consider whether there are any considerations sufficient to clearly outweigh the harm identified above in respect of inappropriateness and openness. Very special circumstances to justify inappropriate development will not exist unless the harm is clearly outweighed by other considerations.
11. Prior approval was deemed not required in March 2016 for a substantial rear extension to the property. Whilst allowing this appeal would enable permitted development rights to be removed for future extensions to the property, this would not prevent the implementation of the rear extension, if carried out before the implementation of the appeal scheme. Although the appellant has stated an intention not to proceed with the rear extension should planning permission be granted for the appeal proposal, there is no mechanism before me to secure this. I therefore attribute limited weight to the prior approval.

12. A Certificate of Lawfulness has been issued in respect of a side addition. This would extend to the south of the dwelling by about 1.5m less than the appeal proposal. Whilst the appellant has stated that it is not intended to proceed with this addition as it would be visually unsatisfactory and unrelated to the character and appearance of the existing property, a floor slab has been created in this location and it has also been stated that the occupiers need more accommodation. As such I consider there to be a high likelihood that the property would be extended to the side should this appeal be dismissed.
13. I note that the proposal would be in keeping with the appearance of the host property and would create a symmetrical composition which may not be the case if the permitted side extension is erected. On balance though the permitted fallback scheme would have a less harmful effect on the openness of the Green Belt and therefore the existence of a fallback position does not add weight to the appeal proposal.
14. As each application and appeal needs to be considered on its individual merits, having regard to the size of the original dwelling in each instance, I attribute limited weight to the examples planning permissions for replacement dwellings and extensions to dwellings in the local area referred to by the appellant.

Green Belt balancing exercise

15. The other considerations do not amount to matters that clearly outweigh the substantial harm to the Green Belt which I have identified in respect of the proposal's inappropriateness and effect on openness. Very special circumstances to justify inappropriate development do not therefore exist. The proposal is therefore contrary to the Framework and the aims of BDLP Policy BAS GB4.
16. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR