

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/16/3159702

The Forge, Burstead Grange, Church Street, Billericay, Essex CM11 2SY

- 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 Grahame Thomas against the decision of Basildon Borough Council.
 - The application Ref 16/00465/FULL, dated 23 March 2016, was refused by notice dated 19 July 2016.
 - The development proposed is the erection of conservatory to the rear elevation.
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Decision

1. The appeal is dismissed.

Main Issues

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. The appeal property is a single-storey dwelling which forms part of a group of former agricultural buildings that have been converted to residential use. The property was extended to the rear in 2000. The Council has advised that this resulted in an increase in gross floor area from 97sqm to 167sqm.
6. The proposed conservatory would add about a further 20sqm resulting in a dwelling that is almost double its original size. In my judgement the increase in floor area resulting from the proposed conservatory, 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

7. 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.
8. 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

9. 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.
10. The appellant has referred to a number of nearby properties that have recently been extended. There is nothing before me to demonstrate that these schemes involved additions to properties that had previously been significantly extended as is the case with the appeal proposal. As each application and appeal should be considered on its individual merits I attribute limited weight to the properties referred to. Similarly limited weight can be accorded to new development outside the Green Belt, where Paragraph 89 of the Framework does not apply.
11. Whilst the Draft Local Plan includes proposals for Green Belt release in the area, this does not alter how development within the Green Belt should be treated.
12. Whilst, I recognise that the proposal would not have any detrimental effects on the living conditions of occupiers of neighbouring properties, I attribute limited weight to this lack of harm. I also note the appellant's desire to better connect the house to the garden and provide a better facility for grandchildren. However, as there is nothing before me to demonstrate that such aims cannot be met by other means that do not involve extending the property, I attribute limited weight to this.

Green Belt balancing exercise

13. 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.
14. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR