



Appeal Decision

Site visit made on 5 January 2017

by **Peter D Biggers** BSc Hons MRTPI

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

Decision date: 19 January 2017

Appeal Ref: APP/B5480/D/16/3162874

The Forge, Chequers Road, Noak Hill, Essex RM3 7NA.

- 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 Dave Fleming against the decision of the London Borough of Havering Council.
 - The application Ref P1535.15, dated 14 September 2015, was refused by notice dated 17 August 2016.
 - The development proposed is replacement garage with a home office and gym above.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the *National Planning Policy Framework* (the Framework) and development plan policy.
 - The effect on the openness of the Green Belt.
 - The effect on the character and appearance of the host property and surroundings.
 - In the event that the development is inappropriate, 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

3. The appeal property, a traditionally designed cottage in render and tile, adjoins Forge Cottage to the east. The site of the proposed replacement garage is on the west side of the house between it and Jasmine Cottage from which the garage would be separated by a high evergreen hedge. The Forge is one of a small group of residential properties on this part of Chequers Road. The dwellings stand in large plots giving a spacious rural feel to the area. Beyond the group of dwellings the countryside is open particularly to north, east and south.

Whether the proposal would be inappropriate development in the Green Belt

4. The Framework establishes that the construction of new buildings in the green belt is inappropriate unless, amongst other things, it involves the extension or alteration of a building. Paragraph 89 specifies that, to be acceptable, the extension or alteration should not result in disproportionate additions over and above the size of the original building.
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5. Although there is already a garage on part of the site, which the proposal would replace, the Council's evidence, supported by the style and appearance of the existing garage, indicates that it is not part of the original dwelling. Therefore the current volume cannot be deducted from the proposed volume for the purposes of calculating proportionality. It is not a matter of dispute between the parties that the lean to store and pantry on the west end of the house is probably part of the original property. The appellant has measured the volume of the original house, without the current garage as 572 cubic metres and the volume of the replacement garage as 372 cubic metres. There is some disagreement between the parties on these figures but even if I take the appellant's own figures for the calculation (excluding the current garage) the percentage increase in volume would amount to about 65%.
6. Although Policy DC45 of the *Havering Local Development Framework Core Strategy and Development Control Policies* (LDF) accepts the principle of extensions in the Green Belt, it stipulates that extensions should not exceed 50% of the cubic capacity of the original dwelling. I acknowledge that the Framework does not set a limit, leaving it to the decision maker to determine whether the extension is disproportionate. In this case, however, the proposed addition to the property is not just marginally in excess of the guide figure for volume increases. It is significantly above. Moreover the height, scale and mass of the proposed replacement, which would be almost as tall as the original cottage and a similar length, would be a disproportionate addition to the original house.
7. I therefore conclude that the proposal would be inappropriate development in the Green Belt and, in this respect, development would be in conflict with the Framework and LDF policy DC45 which seek to prevent inappropriate development.

The effect of the proposal on openness

8. The Framework confirms that the essential characteristics of the Green Belt are its openness and permanence.
9. It has been put to me that, the garage would be located in the context of surrounding residential properties and other outbuildings, in a position that is well landscaped and that as such it would not prejudice openness. However the test of openness is about maintaining the Green Belt free from inappropriate development and the extent to which the proposal would be screened is largely irrelevant.
10. The specific design proposed for the garage would be a significant increase in the height, width and depth of the existing garage and would introduce a new 2 storey building similar in scale to a new dwelling. The openness of the Green Belt by definition would be reduced. As such the proposal would conflict with the Framework and also with LDF policy DC45 which, by controlling inappropriate development, seeks to maintain openness.

Character and Appearance

11. I have been referred to the presence of other outbuildings and the mix of styles of properties in the area and invited to conclude that in this context the proposals for the outbuilding would not be inappropriate. However, with the exception of the garage outbuilding to Forge House, to the south of Chequers Road, most of the outbuildings visible in the vicinity of the appeal site are smaller scale and subordinate to their host dwellings. I do not have the details before me regarding the garage at Forge House but in any event I am not persuaded its presence has a

bearing on the appeal case and will determine the proposal at The Forge on its own merits.

12. The proposal would result in an outbuilding that is out of scale with the host dwelling dominating the original house particularly in respect of its height and depth.
13. I acknowledge that the style and the materials proposed for the garage would complement the traditional form of the host dwelling and in some aspects would be an improvement over the existing garage. However this would not outweigh the concerns that the scale and mass of the proposed outbuilding would be excessive in its context.
14. LDF Policy DC61 requires development to complement or improve the character of the area through its appearance, materials, layout and integration with surrounding land and buildings. It also requires development to respect the scale massing and height of the surrounding physical context. Whilst some aspects of the former objective would be met, the design would fail to meet the policy requirements in respect of scale, mass and height. The outbuilding would appear out of keeping with the character and appearance of the property and adversely affect the character and appearance of the area.

Other Considerations

15. I acknowledge that in proposing the replacement outbuilding the appellant would be seeking to make sustainable and effective use of his home, an objective which is encouraged by the Framework. However, even if such a social benefit would be secured, the Framework adopts a wide definition of sustainability. Indeed, it makes clear at paragraph 6 that regard must be had to the document as a whole in determining what the concept means in practice. Paragraph 8 of the Framework states that all economic, social and environmental gains should be sought jointly. In terms of paragraph 9 of the Framework, and for the reasons given above, the gradual erosion of the Green Belt for development would not be a positive improvement in the quality of the built and natural environment. In this case, the proposal would not be sustainable development in the terms of the Framework and the presumption in favour should not apply.

Conclusions

16. I have concluded that the proposal would be a disproportionate addition over and above the size of the original building and therefore would be inappropriate development in the Green Belt contrary to the Framework and LDF policy DC45. There would also be some loss of openness in the Green Belt. Together these factors constitute significant material harm to the Green Belt to which I must attach substantial weight. Moreover the proposal would harm the character and appearance of The Forge and as a result would have some adverse impact on the wider visual amenities of Chequers Road and the Green Belt in this vicinity.
17. The appellant has not raised any 'other considerations' in support of the proposal which would clearly outweigh the harm to the Green Belt. Consequently, it has not been demonstrated that the very special circumstances necessary to justify inappropriate development exist. Accordingly, the appeal should be dismissed.

P. D. Biggers

INSPECTOR