

Appeal Decision

Site visit made on 12 December 2016

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 19th January 2017

Appeal Ref: APP/H1515/D/16/3155623

213 Chelmsford Road, Shenfield, Essex CM15 8SA

- 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 Geary against the decision of Brentwood Borough Council.
 - The application Ref 16/00361/FUL, dated 11 March 2016, was refused by notice dated 19 May 2016.
 - The development proposed is two storey side and rear extension with small front garage extension and raising roof to form a two storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) Whether the proposed development would be inappropriate development in the Green Belt;
 - (ii) The effect of the development on the openness of the Green Belt and the character and appearance of the host property and the area;
 - (iii) The effect of the development on the living conditions of the occupiers of No. 211 Chelmsford Road with particular regard to outlook; and
 - (iv) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development in the Green Belt

3. Paragraph 89 of the National Planning Policy Framework (the Framework) establishes that new buildings within the Green Belt are inappropriate development unless they fall within a list of stated exceptions. One exception involves the extension or alteration of an existing building provided that it does not result in disproportionate additions over and above the size of the original building. The glossary of the Framework defines 'original building' as that as
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existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

4. The appeal property comprises a detached chalet bungalow set back from the road behind a front garden/driveway with a spacious garden to the rear. The property forms part of a well-established ribbon development set in an open Green Belt location, typically characterised by detached properties set in relatively spacious plots with open fields to the rear. A number of dwellings have existing rear extensions, although these generally appear as clearly subordinate to the main house.
5. Planning permission has been granted for a two storey side extension, front garage extension and the raising of the roof to form a two storey dwelling under a recently approved scheme¹ on the site, which on my site visit I observed had been substantially carried out. However, the proposal now entails the construction of a first floor extension that would project out by about 2.9m from the original rear elevation of the dwelling. The proposed rear extension would measure about 6.9m wide with a maximum ridge height of about 7.8m.
6. The Council's report confirms that the original house was a modest three bedroomed chalet bungalow that had been previously extended in the 1980s. The Council outline that the new extensions and alterations as already approved and that proposed would, in total, provide around an additional 170sqm of floorspace over and above the original floorspace of the house. This represents a 180% increase over and above the original floorspace, when combined with the previous additions to the building.
7. The appellant argues that the proposed rear extension would not represent a disproportionate increase as the footprint of the house would not be increased and the height would match the existing building and the neighbouring properties. However, assessing proportionality is primarily an objective test based on size. Based on this, I consider that the proposed extension, when combined with the existing additions, would result in a disproportionate addition over and above the size of the original building.
8. Consequently, the proposed development would constitute inappropriate development in the Green Belt that is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. It conflicts with the aims of the Framework and Policy GB1 of the Brentwood Replacement Local Plan 2005 (LP), which is broadly consistent with the Framework on this approach to the Green Belt. In accordance with the Framework, I attach substantial weight to the harm arising due to the inappropriate nature of the development in this location.

Openness of the Green Belt and character and appearance

9. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The Framework advises at Paragraph 79 that openness and their permanence are essential characteristics of Green Belts. The attribute of openness is largely related to the absence of buildings or development, and not necessarily to visibility. I note the appellant's comments that the rear of the property would not be visible from any public vantage point

¹ 16/00275/FUL

and I agree. However, the proposed rear extension would result in an increase in the built form of the building which would compromise the sense of openness at the site, even if only to a limited extent.

10. Additionally, whilst the extensions would not appear overlarge, relative to the overall plot size in this instance, the rear extension would still be a significant addition relative to the main house. This extension, combined with the other extensions and the raising of the roof, would result in substantial bulk to the dwelling, which would significantly detract from the form of the house. As such, the proposed rear extension, by virtue of its scale, massing and design, would result in an incongruous and out-of-keeping addition that would detract from the character and appearance of the host property and the generally more modest rear extensions in the area.
11. Consequently, I conclude that the proposed development would have some degree of harm on the openness of the Green Belt and as such would conflict the aims of the Framework and Policy GB2 of the LP which seek to preserve the openness of the Green Belt. In addition, the proposal would have a harmful effect on the character and appearance of the host property and the area and as such would conflict with Policy CP1 of the LP. This policy, amongst other things, seeks to ensure that extensions and alterations are of a high standard of design and compatible with the existing building and the character and appearance of the surrounding area. In addition, it would also not accord with the Framework that development should seek to secure a high quality of design (paragraph 17); to respect the local character (paragraph 58); and to promote or reinforce local distinctiveness (paragraph 60).

Living conditions of the occupiers of the neighbouring property

12. The proposed first floor extension would be set back from the common side boundary with No. 211 Chelmsford Road (No. 211) by approximately 1m and would be separated from the adjacent property by a fence of about 2m high and mature vegetation. The extension would also be set back about 2.7m from the side elevation of the existing property nearest to No. 211.
13. Whilst I accept that there would be some impact from the proposal, given the overall size and the design of the proposed extension, the separation distance between the properties and the orientation of the buildings, I consider the proposed extension would not dominate the views to cause an unacceptable sense of enclosure in the rear garden of No. 211. The outlook at the rear of No. 211 is already toward the side elevation of No. 213 and as such, the relationship between the proposed extension and adjacent property would not be materially different to the existing situation on the site.
14. Consequently, I conclude that the proposal would not result in significant harm to the living conditions of the occupiers of Nos. 211 with particular regard to outlook. It would accord with the overall amenity aims of Policy CP1 of the LP. This policy, amongst other things, seeks to ensure that the proposal would provide a satisfactory level of amenity and would not cause an unacceptable impact on the amenities of the nearby properties. In addition, it would accord with the Framework that seeks to secure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

Other considerations

15. The appellants advise that there has been substantial engagement with the Council and the neighbouring properties. In this respect, I have noted the support by the occupiers at No. 215 and the changes made to the previously refused scheme² to improve the impact on the neighbouring properties and the area. However, these aspects do not overcome the adverse harms identified above and as such are not material considerations to which I can attach significant weight in making this decision.
16. I have noted the other developments in the area drawn to my attention by the appellants. The dwellings at Nos. 195 and 199 Chelmsford Road have different development characteristics to the appeal scheme and the properties at Nos. 225 and 227 Chelmsford Road are new dwellings approved in a different policy context some time ago. On the basis of the limited evidence provided I am not convinced that their circumstances are compellingly similar to the appeal proposal. I therefore accord them limited weight as precedents in this case.

Conclusion

17. Having considered all of the matters raised in support of the development, I conclude that collectively, they do not outweigh the totality of the harm I have identified in relation to the Green Belt and to the character and appearance of the host property and the area. Accordingly, very special circumstances do not exist and development would be contrary to Policies CP1, GB1 and GB2 of the LP and the Framework. I therefore conclude that the appeal should be dismissed.

David Troy

INSPECTOR

² 15/00707/FUL