

Appeal Decision

Site visit made on 31 January 2017

by Michael Evans BA MA MPhil DipTP MRTPI

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

Decision date: 13 February 2017

Appeal Ref: APP/H1515/D/16/3165275

Clovers, 99A Coxtie Green Road, Brentwood CM14 5PS

- 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 Terence Thorne against the decision of Brentwood Borough Council.
 - The application Ref 16/01020/FUL was refused by notice dated 16 September 2016.
 - The development proposed is described on the application form as 'removal of roof structure and replacement of roof with increased height, one dormer to each side, and rooms in the roofspace.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On the appeal form it is indicated that the description of development given on the application form was changed to 'proposed front single storey extension and a roof extension'. I shall therefore consider the appeal on the basis of this description.

Main issue

3. The main issue in this appeal is whether the proposed development amounts to inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (The Framework) and, if so, 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

Inappropriate development

4. The appeal concerns a detached bungalow located within the Green Belt where Government policy in the Framework identifies development that would not be inappropriate. The extension or alteration of a building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.
 5. In Annex 2 of the Framework the term 'original building' is defined. This is said to be a building as it existed on 1 July 1948, or if constructed later, as it was
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built originally. Two detached bungalows were given planning permission following an application made in 1988. That as originally built at the appeal site following this consent comprises the original dwelling in this case.

6. Brentwood Replacement Local Plan (LP), Policy GB1 seeks to prevent development that would not be appropriate in the Green Belt except in very special circumstances and is subject to other policies. Limitations on extensions to dwellings in the Green Belt are said by the Council to be contained in Policy GB5 but it is indicated that it does not apply in this instance because under Policy GB4 the site is located within an established area of development. In any event, these policies pre-date the Framework with which they are not consistent. As a result I afford greater weight to the Framework.
7. Two rear extensions have been built which have increased both the depth and footprint of the original bungalow by more than half. The development now proposed would significantly raise the height of the major part of the existing property. The dormer projections to the sides and fairly modest increase in footprint at the front would further add to the bulk. The significantly steeper pitch of the new roof would result in the main part of the extended property being approximately 50% higher than at present.
8. For these reasons, I consider that together with the previous extensions, the scheme would result in the original building being disproportionately enlarged and this is not disputed by the Appellant. The proposal therefore comprises inappropriate development in the Green Belt.

Openness of Green Belt

9. The openness of the Green Belt results from an absence of built development rather than the presence of any particular views. As well as the space to the sides, that above the existing dwelling also comprises part of the openness of the Green Belt despite the position of the property within a row of frontage dwellings. In this case, the height and bulk of the proposed development would result in significant additional built volume where there currently is none.
10. In consequence, the openness of the Green Belt would be materially reduced. It is explained in the Framework that the essential characteristics of Green Belts are their openness and permanence. As a result, significant harm would be caused to the openness of the Green Belt. There would also be conflict with LP Policy GB2 which, among other things, seeks to prevent harm to the openness of the Green Belt.

Other considerations

11. The Appellant indicates that many properties along the road have been extended. However, specific reference is only made to the neighbouring dwelling at no. 99 where it is indicated that a similar development to that now proposed was accepted by the Council.
12. However, there is nothing to show that the cumulative effect at the neighbouring property, taking account of any previous extensions, would have been similar to that at the appeal site in this case. Moreover, I saw at my site visit that the footprint of the adjacent dwelling at the back is appreciably smaller than at no. 99A despite a fairly modest conservatory, while the Appellant indicates that the two dwellings were originally identical. This

evidence suggests that the cumulative effect at no. 99 would have been noticeably less than that arising in this instance.

13. The development at the neighbouring property would have resulted in some reduction in openness but it is implicit in Government policy that where development is not inappropriate this is accepted. I am not therefore persuaded that it has been unreasonably inconsistent of the Council to reach a different decision on the two proposals.
14. The Appellant has expressed concern at the Council's handling of the application and difficulty in meeting planning officers and obtaining advice. However, this has no direct bearing on the merits of the proposal itself and would not be a sound basis for allowing the appeal.
15. None of the above considerations are therefore afforded any meaningful weight in favour of the appeal.

Conclusion

16. Harm would be caused to the Green Belt as a result of inappropriate development and a loss of openness. In accordance with Paragraph 88 of the Framework substantial weight should be afforded to this harm. It is concluded that the other considerations raised do not clearly outweigh the harmful effect of the development. There can, in consequence, be no very special circumstances and the proposal would be contrary to the Framework policies concerning the Green Belt. There would also be conflict with LP Policy GB2. It is therefore determined that the appeal fails.

M Evans

INSPECTOR