
Appeal Decision

Site visit made on 20 February 2017

by Graham Chamberlain BA MSc MRTPI

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

Decision date: 24th February 2017

Appeal Ref: APP/M1595/D/17/3166611
3 Longley Mews, Grays RM16 3AG

- 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 Miss Lee against the decision of Thurrock Borough Council.
 - The application Ref 16/00992/FUL, dated 15 July 2016, was refused by notice dated 18 November 2016.
 - The development proposed is a front extension and dormer to garage and subsequent conversion to self-contained annexe.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice as this more completely describes the development. During my site visit I was able to observe that works have commenced but appear to have temporarily ceased.
3. The appellant has submitted additional information with her appeal relating to the health of her mother. The Council did not ask to comment on this additional information and confirmed in its appeal questionnaire that it was content for the appeal to follow the Householder Appeal Service. The appeal has been determined accordingly.

Main Issues

4. The main issues in this appeal are: 1) Whether the proposal would be inappropriate development in the Green Belt; 2) The effect of the proposal on the openness and purposes of the Green Belt; 3) If the proposal would be 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 it.

Reasons

Whether or not the proposal would be inappropriate development

5. Policy PMD6 of the CSPMD¹ states that the extension of a building in the Green Belt must not result in disproportionate additions over and above the size of the original building. It goes on to state that in the case of residential extensions,

¹ Thurrock Local Development Framework Core Strategy and Policies for Management of Development (as amended) 2015

this means that it should be no larger than two reasonably sized rooms or any equivalent amount. This approach flows from the Thurrock Borough Local Plan 1997 and Annexe A8, which was retained for the purposes of considering planning applications. I have seen nothing to suggest this approach is inconsistent with the National Planning Policy Framework (the 'Framework').

6. The appeal scheme is for the erection of a ground floor extension to the existing detached garage approved as part of application 13/00720/HHA. The works also include the insertion of a dormer window. The proposed works would not extend the existing dwelling but would extend the garage as a separate 'building'. Nevertheless, the Council have treated the proposed works as extensions to a dwelling and the appellant has not objected to this approach. As such, it is necessary to consider whether the proposal would result in disproportionate additions to the dwelling when considered as a whole, including the existing garage as an ancillary domestic outbuilding.
7. The original house was approved under application 02/01230/FUL and the Council concluded that the two room allowance would be the equivalent of 21.21 square metres (sqm). Given the average size of the rooms, this is a reasonable conclusion. The garage the subject of this appeal was, when approved, 21.9sqm in floor area. In effect its approval had used up the two room allowance. The extension and dormer window now proposed would take the dwelling in its extended form beyond the two room allowance.
8. The appellant suggests that the proposal would only breach the theoretical limit by 6sqm. Notwithstanding this, the additions to the original dwelling need to be considered cumulatively so even though the additions (ground floor extension and dormer window) would be individually modest in scale, they would nevertheless result in a disproportionate addition to the original house when taken as a whole with the existing garage. As the proposal would amount to a disproportionate addition over and above the size of the original building it would be contrary to Policy PMD6 of the CSPMD. I therefore conclude that the proposal would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

The effect of the proposal on the purposes and openness of the Green Belt

9. Given the appeal site's location within a housing estate, the proposal would not undermine the five purposes of the Green Belt listed in Paragraph 80 of the Framework. Nevertheless, the appeal scheme would result in development where there is none currently. This would erode the openness of the Green Belt. However, due to the very modest scale of the appeal scheme the effect on the openness of the Green Belt would be limited.

Other Considerations

10. The appellant has referred to her mother's health and has submitted a letter detailing her ailments. I have seen no substantive evidence to suggest her father is in ill health. It is unclear from the submitted letter whether Mrs Davis' health complaints require her to have a high level of care that would necessitate living with her daughter. Moreover, I have seen nothing to suggest that her existing home is currently unsuitable.
11. The appellant has also suggested that the existing garage is too small for her parents to live in permanently and therefore the extensions are necessary to

provide an adequate level of accommodation. The proposed works would facilitate the conversion of the garage to an annex. An annex is an adjunct to a main house and is not a dwelling in itself. The appellant's parents would not, and could not, live in the annex exclusively. Instead, they would be living in the dwelling as a whole and I have seen nothing to suggest it is too small for this to occur if supplemented by an annex contained within the envelope of the existing garage. In this respect, I note that drawing 16/274/02 Rev H shows an annex with a bed/sitting room contained within the existing building. This suggests the proposed additions are not essential to facilitate a conversion of the garage to a functioning annex.

12. Other properties in the estate have been altered and extended but there is nothing before me to suggest they have exceeded the two room threshold set out in Policy PMD6. Reference has been made to appeal APP/M1595/D/13/2197900 but the matter in contention in that appeal was the effect on living conditions, the effect on the Green Belt being acceptable. As such, that scheme is materially different to the one now before me.
13. Moreover, it is unclear why the proposed dormer window is necessary as a store does not automatically need ventilation or natural light and the approved scheme shows a roof light illuminating the storage area. I therefore conclude that these other considerations attract only limited weight as matters in favour of the proposal.

Whether there are Very Special Circumstances

14. Paragraph 87 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
15. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also concluded that the proposal would have some limited harm on the openness of the Green Belt. Paragraph 88 of the Framework requires substantial weight to be given to any harm to the Green Belt.
16. On the other hand, the other considerations carry only limited weight in favour of the proposal. As such the harm to the Green Belt is not clearly outweighed by the other considerations I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Accordingly the proposal is contrary to the development plan taken as a whole and would not be sustainable development for which the Framework carries a presumption in favour.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR