

Appeal Decision

Site visit made on 29 March 2017

by H Lock BA(Hons) DipTP MRTPI

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

Decision date: 7 April 2017

Appeal Ref: APP/H1515/D/17/3169429

335 Roman Road, Mountnessing, BRENTWOOD, Essex, CM15 0UJ

- 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 Paul Zuber against the decision of Brentwood Borough Council.
 - The application Ref. 16/01542/FUL was refused by notice dated 22 December 2016.
 - The development proposed is first floor rear extension over existing kitchen.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (1) whether the proposal is inappropriate development within the Green Belt (GB) for the purposes of planning policy set out in the National Planning Policy Framework (the Framework) and development plan policy; (2) the effect on the openness of the GB; (3) the effect on the living conditions of occupants of 333 Roman Road, with particular reference to outlook; and (4) if 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

Whether the Proposal Constitutes Inappropriate Development

3. The Framework confirms that the extension or alteration of a building is not inappropriate in the GB provided that it does not result in disproportionate additions over and above the size of the original building. The glossary to the Framework defines 'original building' as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
 4. The appeal property is a mid-terraced property, having originally been one of a semi-detached pair. It has a single-storey flat roofed rear extension. Although not listed on the decision notice, the Council has supplied in this appeal a copy of Policy GB5 of the Brentwood Replacement Local Plan 2005 (LP). This policy advises that the extension of dwellings within the Green Belt will be restricted in size, and the total size of the dwelling as extended shall not exceed the original habitable floor space by more than 37 sq.m.
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5. The Council's report confirms that the figure of 37sq.m would not be exceeded. However, it also notes that Policy GB5 was adopted some time before the NPPF and no longer carries full weight, albeit that it is a 'good starting point' for assessing extensions in the GB. The Framework does not define 'disproportionate' with reference to a specific size, but as the aims of LP Policy GB5 reflect those of the Framework, I have given the policy some weight.
6. Although an increase in floor space is a useful indicator, it is only one measure of the impact of a development, and I agree with the Council's view that the existing and proposed extensions would be disproportionate as a result of their cumulative size, volume, height and floor space. The proposal would materially increase the mass and perceived depth of the dwelling. Although it would be at the rear of the property, between two rear extensions, I do not share the appellant's view that it would be invisible from the road, as it would be seen above the single-storey building of 337 Roman Road. Whether considered by floor area or volume, as a matter of fact and degree, the cumulative impact of the proposal and previous extension would be disproportionate to the size of the original dwelling. I therefore conclude that the proposal would constitute inappropriate development that is, by definition, harmful to the GB, and would conflict with the aims of the Framework. In accordance with paragraph 88 of the Framework, this harm would have substantial weight.

Effect on Openness

7. This part of Roman Road comprises a ribbon of housing set within the wider open landscape of the GB. Although the proposal would be built above an existing extension, when viewed from the roadside, it would create a much larger and bulkier building. Whilst I note the Council's view that the extension would not be out of keeping with the existing property and would not be prominent in the street scene, I consider that to a degree the resultant increase in the size of the building would reduce the openness of the GB at this point.
8. I conclude that the proposal would be harmful to the GB by reason of inappropriate development, but that there would be additional harm arising from the effect of an extension of the size and scale proposed on its openness. These impacts would undermine the purposes of including land within the GB, and would conflict with the aims of the Framework and LP Policies GB1 and GB2, which outline the development restraint to be exercised in the GB.

Living Conditions – Outlook

9. The dwelling attached to the north east, No.333 Roman Road has been extended, and this includes a two-storey rear projection set away from the shared boundary with No.335. As a result, a rear-facing ground floor opening in the original rear wall of No.333 sits within a recess created by its own extension and that of the appeal property.
10. The rear extension to No.333 would have some impact on the outlook from that property, but the proposal would diminish it further. The depth, height and proximity of the proposed first-floor rear extension would result in an unacceptable sense of enclosure to that property, and would appear unduly oppressive to outlook. Given the material increase in the height of the extension wall, I do not share the appellant's view that the proposal would have very little more effect than the existing single storey extension.

11. I therefore conclude that the proposal would adversely affect the outlook for current and future occupants of 333 Roman Road to a degree that their living conditions would be harmed, contrary to the aims of LP Policy CP1, which seeks to resist development which has an unacceptable detrimental impact on the general amenities of nearby occupiers in matters including overbearing effect.

Other Considerations

12. The Framework advises that substantial weight should be given to any harm to the Green Belt, and that 'very special circumstances' will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I now turn to the arguments made in support of the proposal.

13. The appellant advises that the proposal seeks to upgrade the accommodation to provide a reasonable sized bedroom and first floor shower room. However, as an argument, this could be repeated by others in similar circumstances, with a consequent effect on the GB. Moreover, it is not evident that these aims may only be secured in an extension of the size proposed, and as such I have given this factor limited weight in my assessment.

14. The appellant seeks the first floor shower room for safety reasons, to avoid negotiating stairs at night. This factor has some weight, but it is not evident that this objective would require an extension of the size and scale proposed.

15. I acknowledge that the appeal property is located on a busy road, but it is nevertheless located within the Green Belt, and this is therefore a neutral factor. I have given limited weight to the appellant's view that the extension would be invisible from the road, given my own assessment at the site visit.

16. The appellant has identified a number of planning permissions granted, or applications being considered, within Mounthessing. However, with the exception of a plan relating to a development at 209 – 311 Roman Road, no details have been supplied of the proposals, the date of the permissions, or the policy frameworks against which they were assessed. As such, these offer limited support in this appeal.

Green Belt Balancing Exercise and Conclusion

17. The Framework establishes a presumption in favour of sustainable development, and part of its environmental strand is to contribute to protecting and enhancing the natural and built environment. A core planning principle of the Framework includes the aim to protect Green Belts, but for the reasons given above the proposal would not comply with this principle and would not be sustainable development supported through the Framework.

18. Having balanced the various matters, other considerations do not clearly outweigh the harm to the GB by reason of inappropriateness, and any other harm, and the conflict with national and local planning policy. The very special circumstances necessary to justify the development do not exist, and I conclude that the appeal should be dismissed.

H Lock

INSPECTOR