
Appeal Decision

Site visit made on 26 April 2017

by Simon N Hand MA

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

Decision date: 03 May 2017

Appeal Ref: APP/M1595/C/16/3153334

Woodside, Kirkham Road, Horndon on the Hill, Essex, SS17 8QE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Jeff Shadbolt against an enforcement notice issued by Thurrock Borough Council.
 - The enforcement notice was issued on 25 May 2016.
 - The breach of planning control as alleged in the notice is without planning permission the unauthorised construction on the Land of new pitched roofs over the existing pool room and utility/garage buildings in place of flat roofs as shown on the Existing Elevation and Site Plan annexed to this notice.
 - The requirements of the notice are (i) Remove the pitched roof to the existing garage/utility room coloured blue as shown on the Existing Elevation and Site Plan attached to this notice. (ii) Remove the pitched roof to the existing poolroom coloured green as shown on the Existing Elevation and Site Plan attached to this notice. (iii) Remove all resultant materials arising from steps (i) and (ii) above from the Land
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of new pitched roofs over the existing pool room and utility/garage buildings in place of flat roofs on land at Woodside, Kirkham Road, Horndon on the Hill, Essex, SS17 8QE referred to in the notice, subject to the following condition:
 - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional window openings shall be added to the roof slopes hereby permitted, and no changes to the roof profiles shall be made. No works shall be carried out to facilitate the use of the extended roof spaces as habitable accommodation and the use of the roof spaces hereby permitted shall be restricted to incidental domestic storage only.

The Appeal on Ground (a)

2. The main issue in the appeal is whether the development is inappropriate development in the green belt.
3. The development is the provision of two pitched roofs over outbuildings that originally had flat roofs. The construction of the pitched roofs is clearly development and the Council have treated the development as an extension to the dwelling. The NPPF is clear that an extension of a building need not be inappropriate development if it does not result in disproportionate additions over and above the size of the original building. The Council has a policy PMD6 of its Core Strategy (2015), which states that an extension must not be disproportionate to the original building which means no larger than two reasonably sized rooms.
4. The Council calculate that two reasonably sized rooms would amount to 26m². The house was extended in 1976 when it was increased by 25m² and later the garage was built, adding a further 34m². Even if the garage replaced an earlier smaller one, unless the difference between the two was less than 1m², the notional 26m² allowance has already been used up. It is worth noting that the NPPF does not have any specific definition of what disproportionate might be, and the Council's use of "two reasonably sized rooms" is clearly meant to be a flexible guide as to what might be considered acceptable.
5. The dwelling is a moderately sized bungalow in a development of widely spaced houses, most of which appeared to be considerably larger, and two storey. The bungalow is rectangular and sits parallel to the road with its pitched, gable ended roof also parallel to the road. At each end of the bungalow is a smaller building, to the left the pool room and to the right the garage. Both have now got pitched roofs which are smaller and subservient to the main roof of the bungalow. All the roofs are tiled in a similar manner, using reclaimed tiles, so that the roofs all appear to be the same vintage and create a harmonious whole.
6. I was able to see into both the loft spaces. The one above the garage has a narrow and steep staircase allowing access to a storage area. It is tall enough in the centre to stand up in and so could be used as a room, but at the moment it has a rough chipboard floor, with only a small window in one gable end and is used for domestic storage. The loft above the poolroom is accessed by a loft-ladder and the has too shallow a pitch to allow one to stand in the loft. It too is used for storage.
7. Because the buildings are already there, and it is only the design of the roof that has changed, and no further habitable space has been created, I do not consider they amount to a disproportionate extension. Visually they improve the look of the dwelling and due to their design add little in the way of bulk to the ensemble of buildings.
8. It is clear the dwelling has already been extended beyond the Council's current guidelines but those guidelines are clearly meant to deal with extensions that create rooms where it is sensible to have guidance as to what might be considered acceptable, but here there has been no creation of a reasonable sized room or its equivalent. Consequently, I do not consider that exceeding the 26m² limit takes it outwith the policy, which is designed to protect the green belt from disproportionate extensions.

9. I am further confirmed in this view if I consider the impact on openness of the roofs. Unlike the Council I do not think the choice of a roof, within reason, has any real impact on openness. The site looks no less open now than it did before. It is still a bungalow with a garage and a pool room as before. Certainly the amount of space in the sky above the original flat roofs taken up by the new pitched roofs is minimal. There is no increase in footprint and no encroachment on the ground into the green belt, and none of the five purposes of including land in the green belt are offended.
10. In my view therefore the roofs do not represent a disproportionate extension to the original dwelling and so are not contrary to the NPPF or to the general thrust of policy PDM6.
11. I shall allow the appeal on ground (a) subject to the conditions that the roofs are kept as they have been built and the roofspace is used solely for storage as suggested by the Council. I do not need to consider the appeal on ground (g).

Simon Hand

Inspector