



Appeal Decision

Site visit made on 24 April 2017

by Philip Willmer BSc Dip Arch RIBA

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

Decision date: 12 May 2017

Appeal Ref: APP/B1550/D/17/3170014

24 Central Avenue, Hullbridge, Essex, SS5 6AT.

- 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 and Mrs Hale-Ryan against the decision of Rochford District Council.
 - The application Ref 16/00943/FUL, dated 2 October 2016, was refused by notice dated 30 November 2016.
 - The development proposed is for the erection of a 2 storey front extension, enlarging side dormers to accommodate shower room access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2 storey front extension, enlarging side dormers to accommodate shower room access at 24 Central Avenue, Hullbridge, Essex, SS5 6AT in accordance with the terms of the application, Ref 16/00943/FUL, dated 2 October 2016 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings by M2 Design and Build titled: 2 storey front extension and garage conversion – Existing floor plans, Existing elevations, Existing and proposed sections, Proposed elevations, Proposed ground floor plan, Proposed first floor plan, Proposed roof plan, together with Block plan scale 1:200 and Location plan scale 1:1250.

Main Issue

2. I consider the main issue in this case is whether the proposal constitutes inappropriate development in the Green Belt.

Reasons

3. The property the subject of this appeal, 24 Central Avenue, is a detached chalet with an attached single storey garage. This dwelling, that has not been previously extended, is located in the Green Belt.

4. The neighbouring dwellings comprise a mix of detached and semi-detached bungalows. Unlike number 24, which is of a unique and striking narrow plan form and steep pitched roof design with large side dormers, they have all been designed and built to a similar traditional bungalow form and design.
5. The appellants propose the conversion of the garage to habitable floorspace, the construction of a two-storey front extension and the enlargement of the existing side dormers.

Whether the proposal is inappropriate development in the Green Belt

6. The National Planning Policy Framework (the Framework) advises at paragraph 89 that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, one of the six exceptions given to this is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
7. Policy DM17 of the Rochford District Council – Local Development Framework Development Management Plan (Adopted 16 December 2014) (DMP) states that applications for extensions to dwellings in the Green Belt will be considered favourably provided that the proposal would, amongst other things, result in no more than a 25% increase in internal floorspace of the original dwelling.
8. From the evidence I note that the floorspace of the original dwelling was some 74.92 square metres. However, this figure excludes the attached garage, which I understand was built contemporaneously with the original dwelling and based on the appellants' evidence has a floor area of 12.35 square metres. The Council, despite DMP Policy DM17 referring only to internal floorspace in its evidence, has differentiated in this case between habitable and non-habitable floorspace and has therefore discounted the floorspace of the original and still existing attached garage from its calculations.
9. Further, as identified above, the exception set out in the Framework addresses the extension or alteration of a *building* and makes no distinction between habitable and non-habitable floorspace. Section 336 of the Town and Country Planning Act 1990 states that a building *includes any part of a building*. Consequentially I consider that the floor area of the existing attached garage should, in this case, be taken into account as part of the floorspace of the original dwelling. Accordingly, I calculate, based on the figures provided, that the total internal floorspace of the original building (74.92+12.35 square metres) is some 87.27 square metres, which includes both the dwelling and the attached garage. Therefore, a 25% increase in that floorspace would in this case amount to about 21.82 square metres rather than 18.73 square metres as stated by the Council.
10. Based on the undisputed figures provided by the Council, the increase in additional floorspace proposed would amount to 24.41 square metres. However, this includes, as calculated by the appellants, 12.35 square metres floor area of the existing garage that would become habitable floorspace. If this is then deducted, the additional floorspace to be created as a result of this proposal would be only some 12.06 square metres or so, less than the 25% maximum set out in DMP Policy DM17 of 21.82 square metres.

11. The Framework, however, also refers to *size* and I shall now consider therefore the volume and external dimensions of the proposed extension in addition to floorspace alone. The extension would be no higher or wider than the existing building and only project marginally forward towards the street. Accordingly, despite the small extensions to the existing dormers, from my observations on site, I do not consider that it would be disproportionate to the size of the original building.
12. I therefore conclude the proposed development would not be inappropriate development. It would therefore accord with the guidance in the Framework and the objectives of DMP Policy DM17 as it reflects that guidance.

Conditions

13. The conditions follow from those suggested by the Council. To ensure a high quality development, I shall include a condition about the materials to be used in the construction of the external surfaces of the building.
14. In the interests of certainty, I shall also impose a condition requiring the development to be undertaken in accordance with the approved plans.

Conclusions

15. For the reasons given above and having regard to all other matters raised, I conclude that the proposal is in accordance with the development plan, when read as a whole, and that the appeal should be allowed.

Philip Willmer

INSPECTOR