

Appeal Decision

Site visit made on 12 June 2017

by J L Cheesley BA(Hons) DIPTP MRTPI

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

Decision date: 14th June 2017

Appeal Ref: APP/B1550/D/17/3173222

1 Potash Cottages, Hall Road, Hockley, Essex SS5 4JS

- 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 Christopher Ruffle against the decision of Rochford District Council.
 - The application Ref 17/00103/FUL was refused by notice dated 30 March 2017.
 - The development proposed is demolition of existing single-storey side extension and construction of two-storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue to be whether the proposal amounts to inappropriate development in the Green Belt, 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

3. The National Planning Policy Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
 4. The Framework explains that the extension or alteration of a building is not inappropriate in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. The Framework does not define how disproportionate additions should be calculated.
 5. Policy DM17 in the Rochford District Council Development Management Plan (DMP) (2014) does not allow extensions to a dwelling in the Green Belt if they would result in an increase in internal floorspace of more than 25% above that of the original dwelling.
 6. The proposal includes the replacement of a single-storey side projection with a two-storey side extension and single-storey front projection incorporating a
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porch. The dwelling has previously been extended to include the side projection and the front porch. The proposal would not extend beyond the width of the existing side projection. It is not in dispute that the proposal would result in an increase in internal floorspace of some 63% above that of the original dwelling.

7. The proposed increase in internal floor space would significantly exceed the 25% increase allowed by Policy DM17 relating to the extensions to dwellings in the Green Belt. Due to the significant increase in internal floorspace, I consider that the proposal would amount to a disproportionate addition to the original dwelling. Therefore, I consider the proposal would be inappropriate development, which the Framework states is, by definition, harmful to the Green Belt.
8. Added to the harm of being inappropriate development is the impact that the proposal would have in diminishing the sense of openness of this part of the Green Belt.
9. In my opinion, due to the two-storey bulk, siting and scale of the proposal, I consider that the sense of openness in this part of the Green Belt would be further eroded by the proposed extension. Therefore, I consider that not only would the proposal constitute inappropriate development, there would be additional harm with respect to the openness of the Green Belt.

Other Considerations

10. I note that a side extension to the adjoining property has a similar internal floorspace to the proposal before me, albeit of different design. I understand that this extension was approved during 1992. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this particular instance, Policy DM17 is specific with regard to a restriction on additional floorspace. In these circumstances, I do not consider the existing extension to the adjacent dwelling to be sufficient material consideration to determine other than in accordance with the development plan. Therefore, I have attributed limited weight to this matter in my determination of this appeal.
11. I have been referred to proposals for two Settlement Extension Allocations proposed by the Council. Such designations are policy decisions by a Council to provide required development, such as additional housing. This does not mean that policy constraints in those areas retained in the Green Belt should be relaxed. Therefore, I have attributed limited weight to this matter in my determination of this appeal.
12. I have been referred to Permitted Development Rights, which are a material consideration. Whilst this provides potential for a greater additional exterior footprint, it would not allow for the scale of the additional floorspace proposed in the two-storey extension the subject of this appeal. Therefore, I have attributed limited weight to this matter in my determination of this appeal.

Conclusion

13. It is necessary to determine whether there are other considerations which clearly outweigh the harm to the Green Belt and any other harm, hereby justifying the proposal on the basis of very special circumstances. For the reasons stated above, in my opinion the considerations advanced in support of the proposal do not clearly outweigh the harm it would cause to the Green Belt. In conclusion, I am of the opinion that there are no material factors that would amount to the very special circumstances needed to clearly outweigh the presumption against inappropriate development in the Green Belt. Thus, the proposal would be contrary to policy outlined in the Framework and DMP Policy DM17.

J L Cheesley

INSPECTOR