

Appeal Decision

Site visit made on 8 June 2017

by C J Leigh BSc(Hons) MPhil MRTPI

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

Decision date: 22 June 2017

Appeal Ref: APP/H1515/D/17/3172538

Greenways, Hall Lane, Ingatestone, Essex, CM4 9NP

- 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 & Mrs Neil Butler against the decision of Brentwood Borough Council.
 - The application Ref 16/01786/FUL, dated 21 December 2016, was refused by notice dated 17 February 2017.
 - The development proposed are alterations and extensions and provision of indoor swimming pool.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the area.
3. The further main issue is, if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal is inappropriate development and effect on openness

4. The Framework states that, provided that it does not result in disproportionate additions over and above the size of the original building, the extension or alteration of dwellings is not inappropriate in Green Belts. Within this context, saved Policies GB1, GB2 and GB5 of the Brentwood Replacement Local Plan 2005 set out the local planning authority's approach to extensions to properties within the Green Belt, with Policy GB5 stating that extensions will be restricted
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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.

5. I am informed the appeal property dates from the 1950s and has been extended in the 1970s and garaging added in the 1980s following the grants of planning permission, and that the current property totals around 275 sq m. The current proposals would see significant extensions to the house with a two storey rear extension, single storey extensions to the front, a side extension following demolition of an existing conservatory, a single storey rear extension containing a swimming pool, and alterations to the roof to provide dormers and certain modifications to gables. This would provide some 378 sq m of floorspace.
6. It is clear to me that the design and scale of the proposed extensions to the house represent a disproportionate increase over and above the size of the original building: the floorspace alone would more than double the existing house. The form of the new extensions would also be seen as overwhelming additions to the original building due to their height and extent.
7. The appellant contends that the possible existence of permitted development rights should be taken into account in any judgement of what is disproportionate. Such an approach would not be consistent with the guidance in paragraph 89 of the Framework and the development plan: it is an issue relevant later in the reasoning (and I return to this), but cannot be used in assessing whether a proposed extension should be considered as disproportionate¹. The appellant also asserts that policy relating to extensions should be considered in the same way as that for replacement houses, and also take into account possible permitted development rights. Such an approach would not be correct, since paragraph 89 sets out two different considerations for extensions to buildings and for the replacement of buildings.
8. The extensions would very substantially increase the volume of the property on the site through the additional building mass created both in its footprint and the height. This would harm the openness of the Green Belt, and the Framework states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
9. It is thus concluded on the first issue that the scale of the proposed extension would represent a disproportionate addition to the original building, and lead to harm to the openness of the Green Belt. The proposals therefore represent inappropriate development that is, by definition, harmful to the Green Belt and in conflict with the Framework and Policies GB1, GB2 and GB5 of the Local Plan. I attach substantial weight to this harm.

Effect on character and appearance

10. The property is on the edge of a small settlement and sits within the countryside, where the open and undeveloped appearance of the site and gardens contribute to the rural feel. The site lies within a Special Landscape Area. There is good visibility of the site from the road, and to the north is the Station Lane Conservation Area.

¹ As also confirmed by *David and Edith Lloyd v SSCLG & Dacorum Borough Council* [2013] EWHC 3076 (Admin)

11. The proposed extensions would be substantial additions to the house, resulting in a sizeable increase in volume and spread of the house. This reduction in the spacious appearance of the site in a rural area would be to the detriment of the current rural character. I agree with the Council that increasing the amount of development on the site to the degree proposed would adversely affect the approach to the Conservation Area, so harming the setting of the Area. Under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
12. The proposed development would therefore be of a scale and design that would harm the character and appearance of the countryside and the Special Landscape Area, and the setting of the Conservation Area. This would be contrary to saved Policies CP1, C14 and C8 of the Local Plan, and Section 12 of the Framework, whose aims include seeking to secure high quality design and the conservation of heritage assets. For the reasons given, harm would be caused to the heritage asset, and whilst I consider that to be less than substantial harm it would represent moderate weight against the proposed development.

Other considerations

13. The Framework advises that 'very special circumstances' to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. The appellant states that permitted development rights would allow for extensions and alterations to the property that are larger and of poorer design than the current proposals. I have also been referred to examples in the vicinity where the Council have taken into account permitted development rights in deciding whether to grant planning permission for replacement houses.
15. The appellant has submitted an illustrative drawing showing part demolition of existing structures, two single storey side extensions, two single storey rear extensions, a two-storey rear extension, and an outbuilding to support this contention. I note that the existing property is of a complex form, with varying building lines and elevations, which has been altered and extended in the past. Such a 'permitted development scheme' has not been confirmed lawful by the Council through any formal submissions, and in these circumstances I consider the weight to be attached to such a theoretical scheme is reduced.
16. Nevertheless, I acknowledge that extensions and alterations to the property may well be possible, and the Council accept that general point. Thus, the existence of permitted development rights as a fallback is a material consideration.
17. However, I agree with the Council that the very great scale of the extensions proposed in this appeal – which would see substantial two storey elements and single storey extensions to the house – would represent greater harm than permitted development extensions. As noted by the Council, the 'permitted development scheme' put forward by the appellant is primarily single storey. The appeal proposal would see substantial two storey additions as well as

single storey additions. The scale would plainly be inappropriate development in the Green Belt and would harm openness. I have also found that there would be harm to the character and appearance of this rural area. In my judgement that harm clearly outweighs the weight that can be attached by virtue of possible permitted development extensions.

Conclusion

18. For the reasons given, the conflict with national and local planning policy means that the appeal fails.

C J Leigh

INSPECTOR