

Appeal Decision

Site visit made on 10 May 2017

by H Lock BA(Hons) DipTP MRTPI

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

Decision date: 28th June 2017

Appeal Ref: APP/H1515/D/17/3170591

Cherith, Chelmsford Road, Blackmore, INGATESTONE, Essex, CM4 0SD

- 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 Ms Jemma Grand against the decision of Brentwood Borough Council.
 - The application Ref. 16/01648/FUL, dated 25 November 2016, was refused by notice dated 19 January 2017.
 - The development proposed is erection of a two storey side extension, a single storey rear extension and alterations to the external appearance of the property.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. 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 character and appearance of the appeal property and the street scene; 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 Inappropriate Development

4. 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 appeal property is a modest detached two-storey house with a side extension which the parties regards as 'original'. Policies GB1 and GB2 of the Brentwood Replacement Local
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Plan 2005 (LP) do not include a specific size limit on extensions to dwellings in the GB, and this reflects national policy. However, in terms of footprint and volume, the proposal would represent a significant increase in size compared to the original dwelling. Given the open aspect of the appeal site, this would also result in an increase in the visual impact of the building in its setting. By any measure, as a matter of fact and degree the proposal would be disproportionate to the size of the original dwelling.

5. I note the appellant's view that, given the material weight of the fallback position, 'disproportionate' should be considered as over and above that which can be achieved in the exercise of Permitted Development (PD) rights, thereby rendering the appeal proposal not disproportionate. However, the starting point for assessment set out in the Framework is the size of the original building, rather than the original plus an allowance for PD extensions. Whilst the exercise of such rights may be a factor in the balancing exercise, it does not alter my assessment that the overall size and scale of the proposal would be disproportionate.
6. 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 Chelmsford Road comprises a stretch of housing set within the wider open landscape of the GB, and with a rural character and appearance. There is considerable variety in the size and design of dwellings, and gaps between buildings are not consistent. In this case, Cherith is set back from the road and sits on a spacious plot. It is flanked by a single-storey dwelling (albeit with rooflights) and another with rooflights and a rear dormer window. Despite the reasonably modest scale of 'Cherith', the height and form of the neighbouring buildings and the gaps between buildings mean that the appeal property is visually prominent in the street scene.
8. Whilst views of the proposed rear extension would be restricted by the existing and proposed side extensions, the cumulative scale of the additions would result in a much larger and bulkier building. The proposed extensions would increase the footprint of the building on parts of the site which are devoid of built form, and as such the actual and perceived increase in the size of the building would reduce the openness of the GB at this point.
9. I therefore 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 extensions 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.

Character and Appearance

10. LP Policy CP1 seeks to resist development that would have an unacceptable detrimental impact on visual amenity, or the character and appearance of the surrounding area, and requires high standards of design which is compatible

with its location, any surrounding development, and with the existing building in matters including size, siting, scale, style, design and materials. There are other examples of two-storey extensions to houses in the vicinity, and in this context the proposed side extension would not be visually incongruous. It would have a degree of prominence in the street scene due to its siting, the open aspect of the site, and the reduction in the gap between buildings, but it would be no more intrusive than other examples in the vicinity.

11. Whilst I share the Council's view that the roof canopies are not in keeping with the simple architectural form of the host dwelling, having regard to paragraph 60 of the Framework¹ I do not consider that the side extension would detract from the character and appearance of the host dwelling or the street scene in design terms. However, whilst I find no conflict with the general development criteria set out in LP Policy CP1, this does not alter the harm to the openness of the GB which has been identified.

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. A Lawful Development Certificate for a single storey side extension, single storey rear extension, alterations to the roof of the existing side element and a box dormer to the rear was issued by the Council under application ref. 16/00856/S192. Separately, prior approval was not required for an 8 metre deep single storey rear extension at the property under ref. 16/00896/PN42. The appellant advises that both options could be built if this appeal is unsuccessful, and that in terms of appearance, this proposal would be a significant improvement over the two schemes submitted in June 2016.
14. I accept that the construction of an 8m deep rear extension would have a greater impact on the GB, and this is a persuasive argument in support of the proposal. However, in the event of this appeal being allowed, there is no mechanism proposed to prevent the implementation of a PD scheme in advance of the appeal development. Moreover, whilst a wider single-storey side extension may have a greater impact on openness in terms of site coverage than the two-storey extension proposed, any benefit from the reduced footprint would be offset by the increased height and mass. As such, I consider that the proposed two-storey element would have materially greater visual impact on the GB than the single-storey addition which could be constructed as PD. As such, the fallback position would be less harmful than the appeal proposal.
15. The appellant considers that the proposal would considerably improve the appearance of the dwelling compared to the extensions allowed under the provisions of Permitted Development. I accept that the extensions shown in applications 16/00856/S192 and 16/00896/PN42 would not visually enhance the dwelling, but the ground floor elements would at least be low in height. As noted above, this harm has some weight but must be balanced against the degree of harm that would be created by the appeal proposal in its entirety.

¹ That planning policies and decisions should not attempt to impose architectural styles or particular tastes.

16. Attention has been drawn to a planning permission granted at Belmont Villa, Little Warley, under ref. 15/00096/FUL. I note the size and form of the approved extensions from the supplied plans and the appellant's analysis. However, in the absence of full details of the case made in favour of that proposal, I have no reason to discount the Council's assessment that the decision turned on the design and style of that proposal being a significant improvement compared to what could be built as PD, and that the impact on openness between the two schemes was negligible. On the basis of the information provided, I do not consider the decision to be inconsistent, and find that the Belmont Villa permission offers only modest support to this proposal.
17. The presence of two-storey extensions to dwellings in the vicinity is noted, and this renders the principle of such development acceptable in architectural terms. However, this factor has neutral weight in my assessment of the impact on the GB, and the effect on openness.
18. The provision of additional landscaping at the site would offer limited support to the proposal as the effect on the GB is not only related to the visibility of the resultant development. I also share the appellant's view on the benefits of retaining views through the site.
19. The appellant advises that the additional floorspace will considerably enhance and improve the living conditions of the appellant and her family. Whilst I do not doubt that the proposal would enhance the arrangements for the current and future owners of the dwelling, 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 the personal needs of the appellant's family may only be secured in extensions of the size proposed. The appellant advises that the existing dwelling is small in relation to its plot size and in comparison with other properties in the area, and is not considered large enough to accommodate a modern day family in this location. However, there is little evidence in this appeal to support this assertion, and as such I have given these factors limited weight in my assessment.

Green Belt Balancing Exercise and Conclusion

20. 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.
21. 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