The Planning Inspectorate

Appeal Decision

Site visit made on 23 May 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 29 June 2017

Appeal Ref: APP/V1505/W/16/3162257
The Old Rectory, Lower Dunton Road, Dunton, Basildon CN13 3SW

- 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 Richard Whitehead against the decision of Basildon District Council.
- The application Ref 16/01125/FULL, dated 8 August 2016, was refused by notice dated 3 October 2016.
- The development proposed is to extend existing conservatory.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal is inappropriate development in the Green Belt.

Reasons

3. Paragraph 89 of the National Planning Policy Framework (Framework) advises that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The exceptions listed in that paragraph include 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 (third bullet). The glossary to the Framework states that the term 'original building' means a building as it existed on the 1 July 1948 or, if constructed after that date, as it was constructed originally.

4. My assessment of the former rectory supports the Council's view that the original building comprised the main 2 storey element at the south east corner of the property as it now exists. Planning permissions have been granted since 1981 for 2 single storey extensions, the infilling of the former courtyard and 2 bedrooms with a first floor link. These various additions were apparent on my site visit.

5. The Council estimates the floorspace of the original building to have been about 382 square metres (sq. m) and that the combined floorspace of the extensions carried out to date amounts to some 223 sq. m. That figure does not include the existing conservatory which is about 49 sq. m in area but which the Council says has been constructed without the benefit of planning permission.

6. The extension now proposed would add a further 53 sq. m of floorspace. Together with the previous extensions (including the existing conservatory) the cumulative addition would amount to some 325 sq. m representing an overall increase in the original size of the building of around 85%. If the floor area of the existing conservatory is not taken into account the overall increase would be around 74%. Whichever of these figures is used the proposal would clearly result in disproportionate additions over and above the size of the original building. Accordingly, the proposal does not fall within the exception in the third bullet of paragraph 89 and would be inappropriate development in the Green Belt.

7. The Framework does not expressly refer to floorspace but the test in the third bullet is concerned with the size of the original building and, in my experience, floorspace is usually a good indicator of the degree of change that would result from a proposed extension. The previous additions to the appeal building have increased the footprint and volume of the original building and the appeal proposals would also add to the scale of change in terms of these measures.

8. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 requires that substantial weight is given to any harm to the Green Belt and advises that very special circumstances will not exist unless the potential harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

9. Previous additions have increased the width of the original building and extended its footprint to the west, leaving a relatively narrow gap between the building and the western boundary of the site. This gap has been further reduced by the construction of the conservatory and the appeal proposal would reduce the gap to less than 6 metres at its narrowest point. The proposed extension would have a higher ridge height and a steeper roof pitch than the existing conservatory. The proposed addition would significantly reduce the remaining gap at this western boundary of the site and would affect both the spatial and visual dimensions of openness. The proposal would therefore cause material harm to the openness of the Green Belt.

10. The additional accommodation provided by the extension would help support a small local business but the appellant has not quantified that benefit or sought to argue that the additional accommodation is necessary to sustain the business. Whilst some weight can be given to that economic benefit it would not outweigh the harm to the Green Belt. The very special circumstances required to justify a grant of planning permission have not, therefore, been demonstrated.

Other Matters

11. I am advised that a proposal for the development of a garden village in the vicinity of the appeal site is go forwards to a further stage of planning. The appellant argues that, if this proposal was to come to fruition it could change the character and appearance of the surrounding countryside and that it is illogical to identify the land for housing whilst, at the same time, thwarting a modest extension to the appeal building. However, the garden village proposal does not form part of an adopted development plan and is at an early stage of

planning. I have to consider the appeal on the basis of the Green Belt as defined in the current development plan.

Conclusions

12. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should fail.

Paul Singleton

INSPECTOR