
Appeal Decision

Site visit made on 4 July 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 17 July 2017

Appeal Ref: APP/M1520/D/17/3175666

299 Benfleet Road, South Benfleet, Benfleet SS7 1PW

- 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 K Cleary against the decision of Castle Point Borough Council.
 - The application Ref 16/0976/FUL, dated 22 December 2016, was refused by notice dated 20 February 2017.
 - The development proposed is front two storey extension, dormer windows to existing annexe and external finish enhancements.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - Whether or not the proposal is inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the proposal is inappropriate development, whether or not there are other considerations which, together, clearly outweigh the harm to the Green Belt, and any other harm, and which amount to very special circumstances which would be necessary to justify the proposal.

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

3. The appeal property is a two storey detached dwelling, with a large single storey front extension with rooms in the roof used as an annexe for self-contained living accommodation. It lies within the Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. The third bullet point of Paragraph 89 of the Framework sets out that the extension or alteration of a building is inappropriate, unless the extensions or alterations do not result in disproportionate additions over and above the size of the original building.
4. The Glossary at Annexe 2 of the Framework, defines the term 'original building' as "a building as it existed on 1 July 1948, or if constructed after 1 July 1948, as it was built originally". According to the evidence, the appeal property was

originally granted planning permission in 1961 so would have been constructed after 1 July 1948.

5. The planning history indicates that since it was built, the appeal property has been subject to a number of planning permissions. It is not clear whether all of these have been implemented. However, the Council sets out that those planning permissions which have been implemented include a side extension with a pitched roof over the whole building; and a pitched roofed single storey front extension. I have no substantive reasons to consider otherwise.
6. The proposal includes the erection of a two storey front extension and the introduction of two dormer windows within the roofslope of the single storey front extension.
7. The Framework does not define the term 'disproportionate' for the purposes of assessing whether the extension or alteration of a building is inappropriate development within the Green Belt. However, the implemented planning permissions have already increased the floor area and the volume of the original building by a considerable degree. On this basis, it is my view that the cumulative increase in floor area and volume as a result of the proposal would result in disproportionate additions over and above the size of the original building. The appellant has not put forward any compelling evidence which would lead me to a different conclusion.
8. I acknowledge that the roofline of the proposed two storey front extension would be no higher than the roofline of the main part of the appeal property. I also accept that the proposal overall would respect the character and appearance of the appeal property and area in general. However, the criterion set out in the third bullet point of paragraph 89 of the Framework clearly states that the extension or alteration of a building will be inappropriate, unless "it does not result in disproportionate additions over and above the size of the original building". Consequently, whilst there would be no harm to the character and appearance of the appeal property and area, this is expressly not a consideration in relation to inappropriateness as set out in Paragraph 89 of the Framework.
9. Consequently, the proposal would not comply with the listed exceptions as set out in Paragraph 89 of the Framework, in respect of the extension or alteration to a building in the Green Belt. The proposal would therefore be inappropriate development in the Green Belt, which Paragraph 87 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt.

The effect of the proposal on the openness of the Green Belt

10. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. The proposed extensions and alterations would inevitably have an effect on the openness of the Green Belt on the basis that they would result in an increase in the overall floor area and volume of the appeal property. Given that they would be sited to the front of the appeal property, they would impact visually and materially upon the openness of the Green Belt. This would be contrary to the aims of Paragraph 79 of the Framework.

Other considerations

11. I acknowledge that the proposal would provide an internal link between the main part of the appeal property and the annexe. It would also increase the size of one of the bedrooms within the main part of the appeal property and would provide more natural light into the hall. However, these personal benefits to the appellant are matters to which I afford limited weight. I also recognise that the intention is to update a number of walls, windows and doors. Nevertheless, it is likely that such improvements could be undertaken independent of the introduction of a two storey front extension and dormer windows. Moreover, the existing walls, windows and doors did not appear to me to be detracting features of the appeal property. Thus, I afford this matter limited weight also.

Conclusion

12. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have identified that the proposal would be inappropriate development in the Green Belt as defined by the Framework. In addition, it would cause material harm to the openness of the Green Belt.
13. As explained above, I only afford limited weight to each of the other considerations cited in support of the proposal and conclude that, taken together, they would not outweigh the harm that would arise to the Green Belt. Consequently, no very special circumstances exist that would justify inappropriate development being allowed. Therefore, for the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR