

Appeal Decision

Site visit made on 4 July 2017

by J R Bell-Williamson MA MRTPI

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

Decision date: 20 July 2017

Appeal Ref: APP/H1515/D/17/3175341

24 Park Lane, Coxtie Green Road, Pilgrims Hatch, South Weald CM14 5PT

- 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 Crisp against the decision of Brentwood Borough Council.
 - The application Ref 17/00335/FUL, dated 3 March 2017, was refused by notice dated 21 April 2017.
 - The development proposed is rear and side single storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for rear and side single storey extension at 24 Park Lane, Coxtie Green Road, Pilgrims Hatch, South Weald CM14 5PT. The permission is granted in accordance with the terms of the application, Ref 17/00335/FUL, dated 3 March 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 963/01A.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main issues

2. As the appeal property is within the Green Belt the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - the effect on the openness of the Green Belt; and
 - if the proposal would be inappropriate development, whether the harm to the Green Belt 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 it.

Reasons

3. The appeal property is one of a pair of semi-detached two storey cottages located in a semi-rural area along a short unmade road off Croxtie Green Road.
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Whether the proposal is inappropriate development

4. The National Planning Policy Framework (the Framework) makes clear at paragraph 89 that the construction of new buildings in the Green Belt should be regarded as inappropriate, with a small number of exceptions. One of these is 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.
5. The Council refers to Policies GB1 and GB2 of the Brentwood Replacement Local Plan, which concern development in the Green Belt. These policies state that the extension of existing buildings will not be permitted, except in very special circumstances, for purposes other than those appropriate to a Green Belt; and set out development criteria to be considered. Despite the fact that these policies pre-date the Framework, they are broadly consistent with it, although the Framework does provide more specific guidance with regard to ensuring that extensions are not disproportionate in relation to the size of the original building. However, neither national guidance nor the local policies referred to quantify any increase in size that should be taken into account in considering development proposals.
6. The Council indicates that the appeal property has been extended a number of times and that the floorspace of the original building was 37m²; and that the existing and proposed extensions would increase this to 103m², or by 278%. The appellant contends that some elements might have been disregarded in this calculation and the original building could have been more in the order of 43 or 45m². Nonetheless, whichever measurement is used, the proposal and previous additions together would by an assessment of increased floorspace result in a substantive degree of change to the original building. However, assessing proportionality is primarily an objective test based on size and, therefore, floorspace is not the only possible measure of the degree of change. It is instructive to compare any changes to the original physical size and scale of a building, including the degree of bulk or mass that might be added.
7. While the previous changes have added two storey rear and single storey side extensions, No 24 remains a relatively modestly-sized dwelling that is broadly mirrored in scale and appearance by the adjoining property. The proposed single storey extension would be subordinate in scale to the main part of the dwelling and would have a lower roof height than the single storey side extension it would adjoin. Even discounting the existing conservatory or earlier rear extension, the additional depth of development beyond the rear building line would not be so substantial that it would harmfully upset the proportions of the original cottage. Overall, therefore, even allowing for the earlier alterations, the proposal would be a relatively limited addition that would not add significant bulk, height or depth to the original building.
8. For these reasons, and despite the extent of the additional floorspace, the proposed extension would not result in a disproportionate addition over and above the size of the original building. Therefore, I conclude in accordance with the provisions of the Framework and Policies GB1 and GB2 of the Local Plan that the proposal would not be inappropriate development in the Green Belt.

Effect on openness

9. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. However, the effect on openness is implicitly taken into account in the exceptions included in paragraph 89 of the Framework unless there is a specific requirement to consider the actual effect on openness. Therefore, for those exceptions within paragraph 89, including the third bullet as in this case, where the effect of the development on openness is not expressly stated as a determinative factor in gauging inappropriateness, and where the development has been found to be not inappropriate development as is the case here, there is no specific requirement to assess the impact of the development on the openness of the Green Belt.
10. Nonetheless, for the avoidance of doubt, I have found above that the proposed extension would not add substantive bulk or mass to the appeal property. Moreover, the extension would be contained within the side and rear building lines as they currently exist; and it would not be visible from the front or side of the host dwelling. As such, there would be no material harm to the Green Belt's openness as a result of additional residential development of the type proposed.

Other considerations

11. Given the above findings, it is not necessary to consider the appellants' assertion that it would be possible to build the type of extension proposed under permitted development rights; and that this amounts to a credible fallback position.

Overall Conclusion

12. I have found above that the proposal would not be inappropriate development in the Green Belt in accordance with paragraph 89 of the Framework. Moreover, there would be no harmful effects on the openness of the Green Belt. Consequently, there is no conflict with the Framework or with Policies GB1 and GB2 of the Local Plan and so the appeal should succeed.

Conditions

13. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development in accordance with the submitted details, one requiring development to be carried out in accordance with the approved plans. I agree also that a condition requiring the external materials used to match those of the existing building is needed in the interests of the appearance of the host dwelling and wider area.
14. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be allowed.

J Bell-Williamson

INSPECTOR