
Appeal Decision

Site visit made on 8 January 2018

by Chris Couper BA (Hons) DipTP MRTPI

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

Decision date: 12th January 2018

Appeal Ref: APP/B1550/D/17/3181610

Essexmere, Ellesmere Road, Ashingdon SS4 3JP

- 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 and Mrs Rymer against the decision of Rochford District Council.
 - The application Ref 17/00389/FUL, dated 13 April 2017, was refused by notice dated 21 June 2017.
 - The development proposed is a single storey front extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether or not 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 of the proposal on the openness of the Green Belt; and
 - If the proposal is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, such as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether or not a disproportionate addition

3. The National Planning Policy Framework ('Framework') states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. At paragraph 89 it regards the construction of new buildings as inappropriate unless, amongst other things, it 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.
4. Policy DM17 of the Rochford Development Management Plan 2014 ('RDMP') and its supporting text refer to the Framework. They set out that extensions to dwellings in the Green Belt that would result in a greater than 25% increase in the external floor area above that of the original building will be considered

disproportionate. Consequently, whilst the Framework does not define what may constitute a disproportionate addition, they are consistent with its approach.

5. The existing dwelling at Essexmere replaced a smaller property that was formerly on the site. However, the Council and the appellants state that the existing dwelling is the 'original building' for the purposes of the Framework and RDMP Policy DM17. From the evidence before me, I agree.
6. Both principal parties concur that Essexmere's floorspace is 71.1 sqm, and that the proposed extension would add a further 23.6sqm. That equates to a 33% increase, which exceeds the threshold in Policy DM17.
7. At its tallest point, the proposed extension would match the height of the original building, and would thus comply with part (i) of RDMP Policy DM17. As the scheme would infill a section of its 'L' shaped footprint, the resultant dwelling would not project any further to the front or the side. Nevertheless, the proposal would significantly increase the original building's footprint, and the addition of a second gable would significantly increase its mass. Consequently, given its footprint, scale and mass, I conclude that the scheme would result in a disproportionate addition to the original building, and that it would conflict with RDMP Policy DM17 and the Framework.

The openness of the Green Belt

8. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. The site is set within well-defined boundaries and viewed with the existing building the scheme would be visually well-contained.
9. Nevertheless, it would significantly extend Essexmere's footprint and its volume. Notwithstanding some boundary walls and landscaping, that would be apparent in the streetscene. It would thereby harm the Green Belt's openness, thus conflicting with one of its essential characteristics. However, having regard to the context of the existing dwelling, and its location within a row of properties, that harm would be very limited. Nevertheless, given the scheme's impact on the openness of the Green Belt, on this issue it would also conflict with RDMP Policy DM17 and the Framework. The harm that would be caused adds to that I have found by reason of inappropriateness.

Other considerations

10. The scheme's impact on the purposes of the Green Belt – including safeguarding the countryside from encroachment and checking the unrestricted sprawl of large built-up areas – would be limited.
11. The extension's form, materials and general appearance would relate well to the existing dwelling. It would be in keeping with the varied design and character of buildings in the area, and would not harm the living conditions of neighbouring residents. However, good design and protection of residential amenity are requirements of the development plan and Framework, and do not weigh in the scheme's favour.
12. At paragraphs 3.3 to 3.6 and Appendix 3 of their statement the appellants refer to examples of replacement dwellings, extensions or outbuildings in the area that have been approved or where permitted development rights have been

used. However, many of those appear to pre-date the RDMP, and I have very limited details of them, such as the size and dimensions of any addition relative to the original building. Those examples do not therefore change my findings regarding the harm this scheme would cause, and do not constitute benefits in its favour.

13. The appellants also point out that as permitted development rights have not been utilised at the appeal property, an 8m long extension not exceeding the height of the existing roof, could be erected to the rear. They maintain that this 'fallback' would be considerably larger than the appeal proposal, and that it should be included in the existing area and volume figures.
14. However, an extension of that size would be subject to the prior notification procedure, and I cannot be certain that it would be granted. I have no details before me of that, or any other, extension. Any such extension clearly does not form part of the original building. Additionally, I have very limited evidence that such an extension would be built should the appeal be dismissed.
15. Furthermore, even if I were to remove permitted development rights by means of a condition, given the potential sequencing of development and in the absence of a suitable mechanism, I cannot be certain that the fallback of a rear extension would not be constructed in addition to the appeal scheme. Should that scenario come about, the harm to the Green Belt would be even greater than that arising from the appeal scheme alone. Consequently, I give that fallback very limited weight in my decision.

Conclusions

16. Summing up, the proposed extension would result in a disproportionate addition to the original building, and would thereby constitute inappropriate development in the Green Belt. It would also cause very limited harm to its openness. In accordance with the Framework I give those matters substantial weight.
17. The other considerations in this case carry very limited weight, and do not clearly outweigh the totality of the harm that I have identified. The very special circumstances necessary to justify the development do not therefore exist. The scheme would conflict with the development plan and with the Framework. Consequently, having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR