The Planning Inspectorate

Appeal Decision

Site visit made on 08 July 2019 by Mariam Noorgat BSc (Hons)

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/H1515/D/19/3227853
628 Rayleigh Road, Hutton CM13 1SG

- 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 Lee Britton against the decision of Brentwood Borough Council.
- The application Ref 19/00082/FUL, dated 16 January 2019 was refused by notice dated 15 March 2019.
- The development is a proposed single storey side extension.

Decision

1. The appeal is dismissed

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The site visit established the main roof of the property has been changed from a hipped end roof to a gable end roof and a dormer has been constructed at the rear. Although these were not shown on the existing or proposed plans and do not appear to have been accounted for in the parties calculations of previous alterations to the dwelling, I have had regard to these developments when determining this appeal.

Main Issues

4. The main issues are:

   - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and development plan policies;
   - The effect of the proposal on the openness of the Green Belt; and
   - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether it would be inappropriate development

5. Paragraph 145 of the NPPF states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One exception 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 dwelling. Although saved policies GB1 and GB2 of the Brentwood Replacement Local Plan were adopted on 25 August 2005, before the publication of the NPPF, they are broadly consistent with the NPPF.

6. The calculations provided by the appellant, which the Council accept are more accurate than the figures in the officer report, identifies that the floorspace created by the proposed side extension when added to previous extensions, would result in the floorspace of the original dwelling being increased by 69%. Whilst this calculation cannot be solely relied upon to assess proportionality, as it does not consider overall volume, it does provide an appropriate indication of proportionality of the proposed development and therefore holds significant weight. Furthermore, the floorspace would be inevitably greater than the percentage figures given, due to the new dormer.

7. Although the proposal would be a single storey development, it would still add visual mass to the original dwelling as it would effectively bring forward the existing side extension, would extend up to the boundary and would increases the height of the porch. As such, the development, combined with the previous extensions, represents a disproportionate addition to the original dwelling and it is therefore considered to be inappropriate development.

Openness

8. The NPPF states that "the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". Openness can be determined by visual and spatial aspects.

9. Although the property sits within a large plot, the proposed development would introduce built form into a part of the site which is currently undeveloped and as such would inevitably affect the spatial openness of the site. Furthermore, currently views are possible between the dwelling and its neighbour. This provides a degree of visual openness which would be interrupted by the proposal to a significant degree.

10. The appellant suggests that the Council's conclusion, that the extension is compact, subordinate and is acceptable in terms of its design, contradicts their opinion that it would harm openness. I am of the view however that whilst a development could be visually acceptable in terms of its effect on the character and appearance of the area, as in this case, it can still be unacceptable in respect of its effect on the openness of the Green Belt. I therefore do not find any contradiction in this regard.

11. These harmful impacts on openness, combined with the inappropriateness of the proposal in principal, carry substantial weight.

Other Considerations

12. The NPPF states 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.

13. Whilst I sympathise with the appellant's need to improve the quality of accommodation, these personal circumstances are not enough to outweigh the harm identified. The lack of objections from neighbours is also not a consideration that outweighs the harm caused by the development.

14. The appellant raised concerns regarding the Council's inconsistencies in assessing openness within the Green Belt by granting approval for four new dwellings (ref 16/00178/FUL) close to the application site. I do not have full details of the Council's assessment of openness by way of an Officer Report for that decision, nor what other considerations were assessed, so cannot attest to the degree of consistency in the Council's approach. Notwithstanding this, the proposal before me is very different to that development to the rear and they cannot be considered comparable.

Planning Balance and Conclusion

15. The NPPF advises that the Government attaches great importance to Green Belts and that substantial weight should be given to any harm to the Green Belt. It is considered the development would cause harm to the Green Belt by way of inappropriateness and to its openness. Balanced against that are the other considerations identified above. For the reasons given, I conclude that they do not clearly outweigh the harm to the Green Belt and therefore there are no very special circumstances to justify the proposal.

16. Therefore the proposed development would be contrary to Saved policies GB1 and GB2 and the NPPF which seek to maintain the essential characteristics, including the openness, of Green Belts.

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR