



Appeal Decision

Site visit made on 2 July 2019

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2019

Appeal Ref: APP/W1525/W/19/3222816

Pilgrims, Lower Stock Road, West Hanningfield, Chelmsford CM2 8UY

- 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 MET Developments Ltd against the decision of Chelmsford City Council.
 - The application Ref 18/01218/FUL, dated 3 July 2018, was refused by notice dated 28 September 2018.
 - The development proposed is the demolition of an existing dwelling and outbuildings and the construction of a new dwelling and detached garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised plan¹ was submitted by the appellant during the course of the Council's determination of the scheme which shows a reduction in the overall height of the proposal. From the evidence before me, it would appear that this plan was not received in time to form part of the Council's formal assessment. It was therefore excluded from its decision notice. However, the Council has commented on this revised plan through the appeal process and has stated that it would not object to its inclusion in my own assessment. Consequently, I do not consider that any party would be prejudiced by my acceptance of the revised plan and I have determined the appeal on this basis.
3. The Chelmsford Draft Local Plan (DLP) has been submitted for examination and it would appear that hearing sessions have now been completed. However, I do not know whether or not there are any unresolved objections to the relevant emerging policies of the DLP that are briefly referenced by both of the main parties. Consequently, I give only limited weight to these policies and instead give precedence to the policies of the Core Strategy and Development Control Policies Development Plan Document (DPD) referenced within the Council's decision notice.

Main Issues

4. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt, including the effect on the openness of the Green Belt;

¹ 2778/103/A

- the effect of the proposal on the character and appearance of the area; and
- if the proposal is inappropriate, whether any harm 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

Green Belt

5. The appeal site is located on the northern side of Lower Stock Road. It contains a detached, two storey, dwelling known as 'Pilgrims' which has a row of six single storey outbuildings to the rear. This proposal seeks permission to demolish all of the buildings at the site and replace the existing three-bedroom dwelling with a five-bedroom dwelling and an associated detached garage.
6. The National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt should be regarded as inappropriate, unless for one of a limited number of specified exceptions. One such exception is at paragraph 145 (d) of the Framework which states that the replacement of a building may not be inappropriate, provided that it is in the same use and not materially larger than the one it replaces. Although Policies DC1 and DC11 of the DPD, when read together, require additional criteria to be met for replacement buildings within the Green Belt, they are broadly consistent with the above mentioned approach of the Framework.
7. It is agreed that the replacement building would be in the same use as the existing dwelling (a C3 dwellinghouse). An assessment is therefore required as to whether or not it would be materially larger. Neither the DPD nor the Framework provide any detailed guidance on how 'materially larger' should be assessed. In my view the term should be given its ordinary meaning and is a matter of planning judgement for the decision maker. All relevant circumstances should be considered, which could include, amongst other things, the floor area, volume, scale, bulk and mass of the proposal. In addition, the effect on the openness of the Green Belt, which has both spatial and visual aspects, may also be a factor in this assessment.
8. The appellant contends that the existing outbuildings at the site should be included within this assessment. To my mind, the term 'building' and 'buildings' could be used interchangeably in the consideration of whether development was not inappropriate. The outbuildings are domestic in scale, part of the same planning unit and, in my view, are in close proximity to the main dwelling. Furthermore, as the Council's evidence confirms that they are used for an assortment of ancillary domestic purposes, I consider that they are in the same residential use as Pilgrims and the replacement dwelling. I therefore consider that it is reasonable that they should be included in any necessary comparison with the appeal proposal.
9. From the appellant's statement, the proposal would result in a reduction in terms of the footprint of overall built development at the site of approximately 72sq.m. It would also appear that there would be a modest decrease in terms of the total volume of development at the site of approximately 24cu.m. Nonetheless, the Council's evidence shows that the floor area of the existing

dwelling is approximately 120sq.m and the new house would have a floor area of 478sq.m. This represents almost a 300% increase in this regard.

10. Furthermore, although the replacement dwelling would also be a two storey building, it would be approximately 0.8m taller than the existing dwelling and would have a greater maximum depth. It would also be several metres wider at two storey level, with a considerably larger overall width. Consequently, the replacement building would be significantly larger in terms of bulk and mass compared to the existing property. Features such as the projecting rear gable and the ground floor side utility and toilet room, which appear to have been included to break up the elevations of the house and add interest, would reinforce the more substantial appearance of the proposal.
11. Turning to openness, in the context of the existing developed appeal site, situated within a small pocket of development, the openness of this area has already been affected to a degree. However, the space to the side of Pilgrims and the absence of other built form adjacent to the plot gives the area an open feel. Whilst the outbuildings would be removed, they are currently unobtrusive and their floor area and volume would be incorporated into the replacement dwelling. This would be positioned centrally and towards the front of the plot. Although some of this additional floor area would be in the form of a basement, the proposed dwelling would add a greater amount of bulk and mass across the width of the appeal site in a more perceptible location compared to the existing development. Development of this size, mass and positioning would therefore be more conspicuous and intrusive and would have a greater impact on openness than the existing development.
12. Taking all of the above into account, although the proposal's height may be broadly commensurate with that of nearby properties, I consider that, when all relevant factors are considered together, the replacement building would be materially larger than the buildings it would replace. Consequently, the exception outlined at paragraph 145 (d) of the Framework does not apply.
13. For these reasons, the proposal would not fall within any of the exceptions outlined in the Framework and would be inappropriate development in the Green Belt, which is by definition, harmful. In addition, it would have a greater and more harmful impact on openness. In accordance with Paragraph 144 of the Framework, I attach substantial weight to this harm. The proposal would also conflict with Policies DC1 and DC11 of the DPD. Amongst other things and when read together, these seek to ensure that a replacement dwelling in the Green Belt is not materially larger than the one it replaces and that developments preserve the openness of the Green Belt.

Character and Appearance

14. The appeal site is located within a small ribbon of development that is surrounded by open countryside. Established trees bound the side and rear boundaries of the site. This, together with the absence of any other built form along the northern side of this section of Lower Stock Road, gives the immediate area a distinctly verdant and rural feel. Facing the site, the southern side of the road is characterised by a row of single storey and one and a half storey properties that are modest in size and relatively simple in design. Whilst its design has no real architectural merit, the unassuming scale and form of Pilgrims does not appear obtrusive within the streetscene.

15. The replacement dwelling would be set back from the carriageway and would not result in harm to a historic environment. Nonetheless, it would add considerable built mass across the width of the site. I have already found that this would harm the open feel of this part of the Green Belt, but its scale and bulk would also obscure views of trees from certain vantage points along Lower Stock Road. Although it would not result in the loss of any trees of significant amenity value, it would therefore harm the verdant feel of the area.
16. Furthermore, the proposal would be considerably greater in overall width than several nearby dwellings. Its size would therefore be out of character with nearby development. In addition, the proposal would have a complicated and busy design, with differing roof forms and fenestration patterns. This would be particularly apparent when viewed from the side. Not only would this draw the eye to its excessive size and mass, but I also consider that it is indicative of a poor design that would be inappropriate in this rural context.
17. Taking everything together, whilst I note the comment from a neighbour, I am not persuaded that the proposal would enhance the appearance of the site. On the contrary, in my view it would represent a large and conspicuous suburban feature that would fail to integrate effectively with its surroundings. This harmful impact would be readily apparent from the public domain.
18. Although suitable materials could be used for the proposal, this would not address the fundamental problem associated with its size and design. Planting could help screen the proposal. However, the purpose of planting and landscaping is to integrate development into its surroundings; it is not a means of hiding development that is otherwise unacceptable. Consequently, conditions specifying materials and requiring such planting would not mitigate the harm I have identified.
19. For the reasons given, I conclude that the proposal would harm the character and appearance of the area. It would therefore conflict with Policies DC1 and DC11 of the DPD. Amongst other things, these seek to ensure that replacement dwellings within the Green Belt are of an appropriate scale, architecture and design for the site and do not adversely affect the character of the area and the countryside.

Other Considerations

20. A Certificate of Lawfulness² has been approved by the Council for a single storey side and rear extension at Pilgrims. From the evidence before me, if this extension were to be built it would increase the floor area of the existing dwelling to approximately 138.7sq.m. The combined footprint of the extended property and the outbuildings at the site would therefore appear to be approximately 336sq.m. Under these circumstances, the appeal proposal would represent a reduction in built footprint at the site of around 136sq.m (approximately a 38% reduction).
21. However, it would appear that the appeal proposal would still have a floor area that would be over 100% larger than the extended dwelling. Furthermore, as this extension would only be single storey, the bulk and mass of the appeal proposal would still be significantly greater. Consequently, even if I were to consider that the approved permitted development scheme was more than a

² 18/00214/CLOPUD

theoretical possibility, I still consider that the proposed replacement building would be materially larger than the extended building that it would replace. I therefore afford this permitted development 'fall-back' scheme limited weight.

22. Furthermore, notwithstanding that the Council appears to have indicated that it would accept a replacement dwelling at the site with a smaller overall width, I have assessed the proposal on the basis of the plans before me. This does therefore not alter my conclusions.

Planning balance and conclusion

23. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
24. The other considerations put forward do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness and harm to openness, and the harm to the character and appearance of the area. Consequently, the very special circumstances necessary to justify the development do not exist.
25. For the reasons given above, the proposal would conflict with the development plan and the Framework, when taken as a whole. There are no material considerations that indicate that a decision should be made other than in accordance with the development plan. Having considered all other relevant matters raised, I therefore conclude that the appeal should be dismissed.

M Heron

INSPECTOR