



Appeal Decision

Site visit made on 28 June 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: Friday, 26 July 2019

Appeal Ref: APP/M1595/D/19/3222540

246A Heath Road, Chadwell St Mary RM16 3AP

- 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 Abdul A Dhillon against the decision of Thurrock Borough Council.
 - The application Ref 18/01390/HHA, dated 26 September 2018, was refused by notice dated 20 November 2018.
 - The development proposed is two storey side and rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt.
 - the effect of the proposal on the character and appearance of the area.
 - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal is inappropriate development

3. The appeal property is a two-storey detached house of modest proportions, described as a cottage by the appellant, which once served as a residence for the caretaker of the adjacent detached two-storey hostel building. Both properties are vacant and in disrepair. Together they sit on a broadly triangular parcel of land formed by the junction of Stanford Road and Heath Road. The land has significant planting throughout, including trees and hedging along its boundaries, and the immediate area around the buildings has become overgrown. There is a large agricultural field opposite across Heath Road which has an open frontage with the highway. Overall, the impression is of a verdant corner plot with glimpses of the buildings through foliage in a wider context of open countryside within the Green Belt.

4. The proposal would involve increasing the size of the appeal property, through the addition of two-storey extensions to the side and rear, to create a 4-bedroom home.
5. Paragraph 145 of the National Planning Policy Framework (the Framework) states that extension or alteration of a building is not inappropriate development in the Green Belt, provided it does not result in disproportionate additions over and above the size of the original building. This proviso is repeated in Policy PMD6 of the Local Plan¹ (LP), which states that in the case of residential extensions this means that the additions must be no larger than two reasonably sized rooms or any equivalent amount. The supporting Supplementary Planning Document² is clear that this means two reasonably sized rooms of the original dwelling.
6. The proposed extensions would be very significant in scale, particularly as compared to the original cottage. The Council's delegated report on the application assesses that the increase in footprint of the original building would be around 79.9%. The report concludes that the proposed extensions would be disproportionate additions over and above the size of the original building, and therefore in conflict with Policy PMD6, since this increase would be in excess of the total footprint of 2 reasonably sized rooms of the original dwelling. Further, that this would be over two-storeys.
7. I find that the significant increase in floorspace, in combination with the associated significant increase in volume due to the two-storey nature of the extensions, would provide disproportionate additions over and above the size of the original modest building. Therefore, the proposal would be inappropriate development in the Green Belt.

Openness of the Green Belt

8. The appeal property sits within the verdant plot close to the apex of the triangular piece of land formed by its boundaries with nearby highways. The large side and rear extensions proposed would intrude into the open green space in the current gap between the property and the hard surfaces associated with the highways. This, in combination with the significantly increased bulk of the property due to the additions, would significantly harm the openness of the land within the Green Belt. The appellant has mentioned that the development would remove a small (6 feet by 6 feet) outbuilding to the side of the property, but this would not sufficiently diminish the harm to openness that the additions would cause.

Character and appearance

9. Despite vegetative screening along the boundary, the appeal property can be seen on the prominent corner plot from Heath Road. Motorists and pedestrians entering and leaving Orsett Heath by Heath Road derive a view of the modest cottage-type property within, and softened by, the foliage of the plot within a wider visual context of the extensive open vista of the field opposite. The current character is therefore one associated with light built-form within a spacious, countryside setting. The significantly increased bulk of the proposed property would be incongruous with this setting, producing a relatively large

¹ Thurrock Local Development Framework, Core Strategy and Policies for Management of Development, Focused Review: Consistency with National Planning Policy Framework, Adopted January 2015.

² Thurrock Design Guide, Residential Alterations & Extensions SPD, July 2017.

house close to the highway which, despite boundary screening, would have a discernible form which would significantly harm the open character of the streetscene and area.

Other considerations

10. The appellant has submitted documents issued by the Council³ confirming that the appeal property could be extended under permitted development (PD) rights to produce a larger dwelling through single-storey additions. The parties agree that if both proposals subject to the PD rights were implemented ('the fall-back position'), the resultant increase in building footprint would be slightly more (around 3 square metres) than proposed in the appeal scheme before me. However, I give this consideration limited weight as the fall-back position involves single-storey extensions only. It is the added and cumulative bulk of the two-storey extensions in the appeal proposal, in combination with the increased footprint, that renders the proposed development inappropriate in the Green Belt and significantly reduces its openness.
11. The proposal would develop a property which is currently vacant, in disrepair and subject to vandalism. It would also produce an energy-efficient family-sized home of modern appearance, with good living and amenity space for future occupiers. The design would also be more cohesive in form than one incorporating the single-storey elements of the fall-back position. These are benefits of the appeal scheme, to which I attach moderate weight.

Planning Balance and Conclusion

12. Paragraph 144 of the Framework indicates that in considering any planning application, substantial weight should be given to any harm to the Green Belt. Accordingly, as I have found harm to the Green Belt I apply substantial weight in respect to it. I have also found that significant harm would be caused to the character and appearance of the area. In totality, the harm is of a magnitude which weighs very heavily against the proposal.
13. Having considered all matters raised in support of the proposal I conclude that, collectively, they do not clearly outweigh the totality of the harm I have identified. Accordingly, very special circumstances do not exist and the proposal is contrary to the guidance in the Framework, and Policies PMD6, PMD2 and CSTP22 of the LP which together seek to protect the Green Belt and its character and appearance.
14. The appellant states that the Council cannot demonstrate a 5-year housing land supply, and suggests that this proposal would contribute to increasing supply by bringing a vacant residential property back into use that is currently too small by modern standards. The appellant has not indicated the extent of any shortfall. Even if I were to conclude there is a shortfall in 5-year supply and that the most important policies for determining the proposal should be considered out-of-date, Paragraph 11d) and footnote 6 would be engaged as an important material consideration. This states that planning permission should be granted unless the application of policies in the Framework that protect "areas or assets of particular importance" provides a clear reason for refusing the development proposed.

³ 17/01045/CLOPUD; 18/00760/PHA.

15. As the Green Belt is an “area or asset of particular importance”, and as I have found that very special circumstances do not exist, this is a clear reason for refusing the proposed development. As such, even were I to find that there was a shortfall in housing supply, it does not indicate that the proposal should be permitted in spite of its conflict with the development plan. Accordingly, the appeal is dismissed.

Andrew Walker

INSPECTOR