



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: 01 August 2019

Appeal Ref: APP/M1595/W/19/3225952

246 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 A Dhillon (Dhillons) against the decision of Thurrock Borough Council.
 - The application Ref 18/01610/FUL, dated 6 November 2018, was refused by notice dated 24 January 2019.
 - The development proposed is two storey infill extension to south east corner of scheme approved under Ref 16/01166/FUL.
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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;
 - 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 2-storey detached building which was previously used as a hostel. Under a planning consent from the Council¹ (the approved scheme), permission was given for change of use from hostel to residential (Use Class C3) to form 2 new dwellings with associated alterations and extensions. The approved scheme sought to mitigate against any concern in relation to the Green Belt by proposing a reconfigured building that broadly offset building extensions with demolitions. The approved scheme included, at the south-east corner of the building, a pitched roofline which extended over a balcony at first floor and a recess at ground level. The appeal proposal before me seeks to infill this corner of the building by way of a 2-storey extension.

¹ 16/01166/FUL

4. 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 Plan² (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 Document (SPD)³ is clear that this means two reasonably sized rooms of the original dwelling. The Council has assessed this as 57.43 square metres.
5. The Council's report on the appeal proposal before me, and the report in respect to the approved scheme (submitted as evidence by the appellant) states that the original building has already been extended by 78.14 square metres. This has not been challenged in the appellant's evidence. This exceeds the Council's assessment of the point at which additions become disproportionate additions over and above the size of the original building.
6. On consideration of its above assessment the Council decided that the approved scheme would on balance be acceptable as, taking into account both the proposed removal and addition of building elements, the increase in footprint would be marginal.
7. I have considered the Council's decision on the approved scheme, and give it moderate weight. I note that the appeal proposal before me would add further additions over 2 storeys to a building which has already been significantly extended from as originally built. Accordingly, and taking all into account, I find that the proposed infill extension would result in disproportionate additions over and above the size of the original building and would be in conflict with Policy PMD6 of the LP as supported by the SPD. Therefore, the proposal would be inappropriate development in the Green Belt.
8. The appellant has suggested that, as the proposal would create 2 dwellings, the additions should not be larger than 4 reasonably-sized rooms of the original building. However, Policy PMD6 is concerned with 2 reasonably-sized rooms of the original building. Clearly, an original building converted into a number of dwellings would under the appellant's interpretation of the Policy have a potential to create very large additions to an original building. That would be disproportionate over and above the size of the original building and contrary to the Framework.

Openness of the Green Belt

9. The appeal property is situated adjacent to a more modest detached building (No 246A Heath Road) which had been use as a caretaker's residence for the hostel. 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

² Thurrock Local Development Framework, Core Strategy and Policies for Management of Development, Focused Review: Consistency with National Planning Policy Framework, Adopted January 2015.

³ Thurrock Design Guide, Residential Alterations & Extensions SPD, July 2017.

of a verdant plot with glimpses of the buildings through foliage in a wider context of open countryside within the Green Belt.

10. The extension proposed would add significant bulk over 2 storeys to a corner of the building which would otherwise, under the approved scheme, provide a relatively open aspect amid the green space in the current gap between the property and Heath Road. This would significantly harm the spatial openness of the land.
11. Despite vegetative screening along the boundary, the appeal property can be seen from Heath Road. Motorists and pedestrians entering and leaving Orsett Heath by Heath Road derive a view of the 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 increased bulk resulting from the proposal, which would be orientated towards the road, would also cause significant harm to the visual openness of the land.
12. For the above reasons, the appeal proposal would significantly harm the openness of the land within the Green Belt.

Other considerations

13. The proposal would develop a property which is currently vacant, in disrepair, of poor appearance and subject to vandalism. It would also produce 2 modern energy-efficient homes. These are benefits of the appeal scheme, which are tempered by the fact that the approved scheme would also provide them, and to which I attach moderate weight.
14. The infilling would produce a more cohesive design than the approved scheme. I give this moderate weight.

Planning Balance and Conclusion

15. 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. In totality, the harm is of a magnitude which weighs very heavily against the proposal.
16. 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 Policy PMD6 of the LP which seeks to protect the Green Belt.
17. The appellant states that the Council cannot demonstrate a 5-year housing land supply, though has not indicated the extent of any shortfall to which 2 new homes would contribute. 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.

18. 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