
Appeal Decision

Site visit made on 11 January 2019

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2019

Appeal Reference: APP/M1595/D/18/3215545

2 Marie Close, Corringham, Essex SS17 9EX

- 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 Scott Stanley against the decision of Thurrock Council.
 - The application reference 18/01136/HHA, dated 30 July 2018, was refused by notice dated 31 October 2018.
 - The development proposed is described in the application form as “retention of roof canopy to existing pool plant room”.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Since “retention” (as stated in the application form) is not an act of development, I shall treat the application as one made under Section 73A of the Town and Country Planning Act 1990, for development that has already been carried out, namely a roof canopy to an existing plant room.
3. Since the determination of the appeal application, the National Planning Policy Framework published in 2012 has been replaced, with the latest version being published in February 2019 (the 2019 Framework). Paragraph 212 of the 2019 Framework outlines that the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication. I have therefore determined the appeal with this in mind.

Main issues

4. The main issues are:
 - (i) whether the proposal is inappropriate development in the Green Belt;
 - (ii) the effect on the openness of the Green Belt;
 - (iii) the effect of the development on the character and appearance of the area; and
 - (iv) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other

considerations, so as to amount to the very special circumstances that are required to justify the development.

Reasons

5. The appeal site lies outside the main built up area of Corringham, in a small residential enclave. The surrounding landscape is predominantly rural in character but there is a significant amount of sporadic development in the locality. The appeal site lies within the Metropolitan Green Belt.
6. Marie Close is a development of substantial houses in a traditional style, set around a small cul-de-sac, with modest back gardens. The Close forms part of an area of development along the northern frontage of Southend Road, with open land to its north and south.
7. Number 2 Marie Close has a side boundary to Southend Road, with Park Gate Road to the rear. Thus the site is prominent in the streetscene, in spite of the well grown planting on the roadside along Southend Road and the high fence on the boundary with Park Gate Road.
8. Planning permission was granted in 2009 to erect a rear conservatory, detached games room and a swimming pool with a detached plant room and additional works were carried out subsequently, extending the games room to join the plant room and adding a canopy over the entrance to the plant room. The range of outbuildings at the rear of number 2 Marie Close were then the subject of enforcement action and, in consequence, substantial modifications have been made to the buildings, to comply with requirements imposed by a previous Inspector. Large parts of the previous extensions have been removed and the two separate outbuildings now stand in the garden, which is carefully laid out and maintained in a rather formal manner.
9. The pool plant room is a small garden building containing equipment. This appeal, in effect, seeks the retention of the roof canopy that is attached to the pool plant room.

Inappropriate Development

10. Paragraph 133 of the 2019 Framework states the fundamental aim of Green Belt policy, which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Paragraphs 144-145 make it plain that the construction of new buildings is not normally acceptable in the Green Belt and that they should only be permitted in "very special circumstances", though there are certain exceptions, such as the extension or alteration of a building "provided that it does not lead to disproportionate additions over and above the size of the original building".
11. The Council's Adopted Core Strategy, as adopted in January 2015, includes a firm commitment to the Green Belt. Indeed, Policy PMD6 of the 'Core Strategy' provides (among other things) that "the extension of a building must not result in disproportionate additions over and above the size of the original building".
12. The previous enforcement appeal decision required the removal of unauthorised buildings, though even the retained buildings have an impact on

the openness of the locality. The current appeal relates to the retention of a canopy that is attached to the retained pool plant room.

13. Both the main parties have made submissions regarding the scale of the existing house, as the context for the outbuildings, since planning policies effectively permit such outbuildings if they are not disproportionate to the host building. In the context of these arguments, from what I have seen and from the evidence submitted, I accept that the "attic" floor of the house was part of the original design and the house is plainly a substantial structure.
14. On the other hand, the outbuilding is separate from the host building, of course, and in strict terms it is a distinct building in its own right, as the previous Inspector identified. In this case, the plant room is to be treated as the original building and, in relation to the size of the plant room as permitted, the size of the canopy is "disproportionate", due to the additional bulk in the context of the small host building. The appeal proposal does not, therefore, comply with the exception. In consequence, it is "inappropriate development" in terms of Policy PMD6 of the Core Strategy and the 2019 Framework.

Openness

15. The canopy does have an inevitable effect on the openness of the Green Belt, by reason of the structure itself, even though the visual impact of the canopy on its surroundings is limited and it is not intrusive in views from Southend Road or Park Gate Road. Hence, it cannot be said to preserve the openness of the Green Belt, though the impact is minimal.

Character and appearance

16. The canopy is evidently small in scale in the context of its surroundings, and it is architecturally innocuous. It cannot be said to have a significantly harmful effect on the character and appearance of the surrounding area.

Other considerations

17. The canopy would provide some practical benefit, to shelter those using the plant room, but the benefit would be very limited. Hence, the benefits of the scheme do not attract much weight in this appeal.

Conclusion

18. The proposal would be inappropriate development in the Green Belt, though it would have only a very limited effect on openness. Paragraph 144 of the 2019 Framework establishes that substantial weight should be given to any harm to the Green Belt, while other considerations which arise do not clearly outweigh the totality of the harm. Consequently, very special circumstances do not exist and the proposal would not comply with Policy PMD6 of the Core Strategy or the 2019 Framework. Accordingly, I conclude that the appeal should be dismissed.

Roger C Shrimplin

INSPECTOR