



---

## Appeal Decision

Site visit made on 16 July 2019

**by M Savage BSc (Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 August 2019**

---

**Appeal Ref: APP/M1520/W/18/3217656**

**Forest House, Catherine Road, South Benfleet SS7 1AR**

- 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 E Jakob against the decision of Castle Point Borough Council.
  - The application Ref 18/0565/FUL, dated 28 June 2018, was refused by notice dated 13 August 2018.
  - The development proposed is construction of two residential units within new second floor above an existing residential building, demolition of existing lean-to rear extension and addition of new access stair. Construction of new front porch.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The site falls within an area of Green Belt. Accordingly, the main issues are:
  - Whether the proposal is inappropriate development within the Green Belt for the purposes of the Framework and development plan policy; and
  - Its effect on openness and the purposes of including land within it; and
  - The effect of the proposal of the proposal on the character and appearance of the area; and
  - 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 necessary to justify the development.

### Reasons

*Whether inappropriate Development in the Green Belt*

3. The National Planning Policy Framework (the 'Framework')(2019) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145. One of the exceptions is c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

4. My attention has been drawn to a previous appeal decision for the site, APP/M1520/W/16/3153680. Although I have not been provided with substantive details of the scheme considered by the previous Inspector, it is detailed within the decision letter that the overall height of Forest House would have been increased by 200mm. This would be considerably lower than the appeal scheme before me and is therefore not comparable.
5. The appeal site comprises a substantial two storey detached building with dual pitched roof, which has been subdivided to create 4 flats. The appeal scheme would extend the building to provide a third floor. The roof of the building would be increased from approximately 9.4m to 12.9m in height and would significantly increase the living accommodation within the building. This would be a significant increase over the existing building and would result in disproportionate additions over the size of the original building.
6. For these reasons, therefore the appeal proposal would be inappropriate development in the Green Belt, to which substantial harm should be attached.

#### *Character and Appearance*

7. The appeal building fronts onto an unmade section of Catherine Road, which is generally single-track road with substantial detached dwellings set back from the highway. Catherine Road joins London Road some distance to the north of the appeal dwelling. A flatted development is located to the north of the site which is accessed via Catherine Road, close to the junction with London Road. The flatted development has a contrasting design and character to other dwellings along Catherine Road. Although the proposed extension would respond to the design of the flats to the north of the site, the appeal building fronts onto a section of Catherine Road which has a semi-rural character.
8. Whilst there are dwellings along Catherine Road which have a higher slab floor level than the appeal building, dwellings are generally two storey. The extension would significantly increase the height of the appeal building and would make it appear a dominant feature in the street scene which would be out of keeping with the generally semi-rural character of Catherine Road and would harm the character and appearance of the area as a consequence.
9. This would be contrary to Policy EC2 of the Castle Point Borough Council Local Plan (1998) which seeks to ensure the scale and design of development is appropriate to its setting and would not harm the character of its surroundings, amongst other things and to the Framework, which seeks to ensure that developments are sympathetic to local character<sup>1</sup>, amongst other things. It would also be contrary to RDG7 of the Castle Point Borough Council Residential Design Guidance<sup>2</sup> which states that the roof of a dwelling must not appear prominent or dominant, amongst other things.

#### *Openness*

10. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework sets out the purposes of Green Belt, including to check the unrestricted sprawl of large built-up areas and to prevent neighbouring towns merging into one another.

---

<sup>1</sup> Paragraph 127

<sup>2</sup> Ratified 14<sup>th</sup> November 2012, effective from 1<sup>st</sup> January 2013

11. In spatial terms, the proposed extension would significantly increase the bulk and massing of the building. Although the proposed extension would have a similar roof design to buildings to the north of the appeal site, these are generally set at a lower level. The appeal scheme would extend the appeal building upwards, so that it would be more visually prominent when viewed from London Road.
12. Accordingly, it would have a greater visual and spatial impact than the existing building and would not preserve the openness of the Green Belt.

#### *Other Considerations*

13. The appellant states within his Statement of Case that no 'very special circumstances' are present. Notwithstanding this, the appeal scheme would provide additional residential accommodation. I attach some positive weight to the modest contribution the accommodation would make to local housing supply.
14. The appeal scheme would involve the demolition of a lean-to extension to the rear of the building. However, there would be very limited benefit to the character and appearance of the area from the removal of this element given its location to the rear of the building and intervening buildings which limit views of the structure from the public domain.
15. The appellant also asserts that the proposed works provide a positive opportunity to address structural issues. However, I have no substantive evidence that the appeal scheme is the only means of addressing structural issues within the building and therefore afford this matter very limited weight.

#### **Conclusion**

16. The Framework sets out the general presumption against inappropriate development within the Green Belt. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.
17. The proposal would be inappropriate development in the terms set out in the Framework and lead to a limited loss of openness to the Green Belt. It would also harm the character and appearance of the area. The Framework establishes that substantial weight should be given to any harm to the Green Belt.
18. No considerations have been put before me which would outweigh the totality of the harm. Consequently, very special circumstances do not exist and the proposal would conflict with the Framework. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

*M Savage*

INSPECTOR