
Appeal Decision

Site visit made on 5 July 2019

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

an Inspector appointed by the Secretary of State

Decision date: 14 August 2019

Appeal Ref: APP/M1520/W/18/3218270

300 Benfleet Road, South Benfleet, Benfleet SS7 1PW

- 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 G Judd against the decision of Castle Point Borough Council.
 - The application Ref 18/0574/FUL, dated 2 July 2018, was refused by notice dated 8 November 2018.
 - The development proposed is replacement dwelling.
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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

Inappropriate development

3. The proposal would demolish the existing single-storey dwelling on site and replace it with a new 1.5-storey dwelling. Paragraph 145 of the National Planning Policy Framework (Framework) says that the construction of new buildings is inappropriate in the Green Belt. An exception is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
4. The new building would be in the same use as the building to be demolished; a domestic residence. However, it would be significantly larger than the existing dwelling according to figures provided by the appellant (over twice the floor area and volume, and an increased ridge height).
5. Policy GB4 of the Castle Point Borough Council Local Plan (1998) (LP) says that the size, general lines and form of a replacement dwelling in the Green Belt should be similar to that of the previous dwelling. Notwithstanding that the policy permits additional volume up to that of the maximum of any

unimplemented permitted development rights of the original dwelling, supplementary guidance specific to the interpretation of that policy in Appendix 2 advises that single-storey dwellings are only acceptable where a single-storey dwelling is to be replaced. The objective of Policy GB4, as supported by the supplementary guidance, is not in conflict with the Framework as they each seek to ensure that replacement buildings are not materially larger than the ones they replace.

6. Therefore, for all of the reasons above, the proposal would be inappropriate development in the Green Belt.

Openness of the Green Belt

7. The existing dwelling is a single-storey detached structure significantly set back on land behind a row of predominantly 2-storey detached dwellings fronting Benfleet Road. It is accessed by a relatively long and narrow access road between Nos 296 and 304 Benfleet Road. Therefore, the existing low profile and relatively modest dwelling set on largely open land to the rear of the prevailing pattern of development along the highway reinforces the permanence and openness of the Green Belt in this location.
8. Notwithstanding that there has been forms of development on land to the rear of properties to the west and south of the appeal site, the land to the east and to the north is largely undeveloped and open, verdant and wooded in places. The current openness of the appeal site contributes to this wider open character.
9. I acknowledge that there would be very limited views of the proposed dwelling from public areas, and that the views would be significantly limited from neighbouring properties due to significant vegetation on boundary treatments and within the plots. However, and notwithstanding the new building being built on a lower ground level than the existing building, the proposal would create a much larger development than existing due to the significantly increased mass and scale. This would significantly reduce both spatial openness and visual openness of the site. An observer arriving along the front drive would be presented with a taller and bulkier building than existing, the sense of which would be reinforced by a large front gable and two pitched roof dormers sitting much higher up on the roof plane than the roofs of the current building over the porch and study.
10. The land on the appeal site slopes down to the rear where, behind the dwelling and area laid to grass is a long strip of land containing a woodland. Although the woodland area would not be built-upon under the proposal, the sloping nature of the site rearwards means that any building to the front of the site is particularly prominent in views from the wooded area. The proposed increased building height and dominant height and bulk of the double gables of the proposed rear elevation would therefore particularly harm a sense of visual openness when seen from the rear of the plot within the Green Belt.

Other considerations

11. I have seen evidence that the current dwelling is in disrepair, that there are water supply problems, that there is asbestos, and that the property is cold. A replacement dwelling would secure a family home and environment built to modern standards and energy efficiencies. However, there is no apparent

reason why a replacement dwelling could not meet these objectives without being materially larger than the current dwelling. I therefore give this consideration limited weight.

12. The appellant has put forward a fallback position by way of lawful permitted development for a single-storey rear extension (17/1032/HPA) and a single-storey side extension (18/0228/CLP). These extensions, if both built, would according to the appellant's figures produce a building of slightly smaller total floor area and volume than the proposal. However, the development of both extensions in combination would produce a building of very poor design with poor window arrangements resulting in limited outlook and daylight to several rooms. In particular, a proposed bedroom under 17/1032/HPA would have its single window directly facing the side wall of a building projection under 18/0228/CLP across a gap of less than one metre. I therefore find it unlikely that the fallback position would be implemented, and I give it limited weight. In reaching this finding I have taken into account the existence of a quote for the removal of the outbuilding which would be necessary in implementing 18/0228/CLP. However, a quote for a part of the works does not overcome my above concerns and I give it limited weight.
13. The appellant has submitted details of planning decisions where developments were approved in the Green Belt following consideration of permitted development fallback positions. However, unlike my finding in the appeal case before me the decision-makers in those cases considered that the fallback proposals were realistic propositions. I therefore give this consideration limited weight.
14. The proposal would bring economic benefits through construction. I give this benefit moderate weight.
15. The proposal would allow an existing resident and his family to remain in the local community, aiding social cohesion and community integration. The development might possibly prevent a "greenfield" site being released for housing to meet the needs of the appellant, ensuring an effective use of land. However, as these objectives could be met with a replacement dwelling which was not materially larger than the current dwelling, I give these benefits limited weight.
16. The proposal would produce a more visually attractive building than the current building, with or without either or both of the permitted development extensions. I give this benefit moderate weight.

Planning Balance and Conclusion

17. 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. The harm is of a magnitude which weighs very heavily against the proposal.
18. 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 GB4 and Appendix 2 of the LP which together seek to protect the Green Belt.

19. The appellant has said that the Council cannot demonstrate a 5-year housing land supply. Were I to find that this was the case, and notwithstanding that the proposal would not result in a net gain of housing, Paragraph 11d) and footnote 6 of the Framework 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.
20. 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. Accordingly, the appeal is dismissed.

Andrew Walker

INSPECTOR