



Appeal Decision

Site visit made on 6 August 2019 by Emma Worby BSc (Hons)

by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 23rd August 2019

Appeal Ref: APP/V1505/D/19/3231029

129 Noak Hill Road, Great Burstead, Billericay CM12 9UJ

- 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 Alex Headley against the decision of Basildon District Council.
 - The application Ref 19/00165/FULL, dated 4 February 2019, was refused by notice dated 9 April 2019.
 - The development proposed was originally described as the demolition of existing large outbuilding and construction of part two-storey rear extension with link to single-storey leisure complex, part two-storey front extension and adaption of existing roof to form a master bedroom suite.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The extract from the Local Plan Proposals Map (25 March 1998), showing the extent of the Green Belt at the appeal site, shows that the front part of the site is not located within the Green Belt however the rear part of the site is located within the Green Belt. From the map, it is not wholly clear where the existing dwelling and outbuilding are in relation to this division. However, the Council have stated, within the Delegated Report, that the front part of the site comprising the majority of the dwelling house is identified as an area of no notation whilst the rear garden including the existing large outbuilding is within the Green Belt. In section 4.15 of their statement of case, the appellant agrees with this delineation and therefore the appeal has been assessed on this basis.

Main Issues

4. With respect to the parts of the proposal that are within the Green Belt, the main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - The effect on the openness of the Green Belt; and

- Would the harms to the Green Belt be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal

And with respect to the parts of the proposal that are outside the Green Belt:

- The effect of the development on the character and appearance of the area.

Reasons for the Recommendation

Inappropriateness

5. Policy GB4 of the Basildon District Local Plan Saved Policies (September 2007) provides some size restrictions to extensions to dwellings within the Green Belt. Although the single storey leisure complex with a link to the main dwelling, falls within the Green Belt, the dwelling to which it would be attached is, the parties agree, primarily not within the Green Belt. As such it could be seen that this policy does not fully apply. However, paragraph 145 of the Framework states that new buildings in the Green Belt are inappropriate and part c) adds that extensions are only not inappropriate if they do not comprise a disproportionate addition to a building. I consider it is the new building under consideration which must be within the Green Belt for this test to apply, not necessarily the building it extends.
6. I accept the appeal site is large and could easily accommodate the proposed development. Nonetheless, the leisure complex would be a significantly larger addition than the current outbuilding, with a similar footprint to the existing dwelling, and therefore would be considered disproportionate and so would not comply with paragraph 145 (c). It would also conflict with policy GB4, albeit as that policy is not wholly applicable, I give limited weight to this conflict.
7. Consequently, the proposed development would be inappropriate which, in accordance with paragraph 144 of the Framework, should be given substantial weight.

Openness

8. The part of the proposal in the Green Belt would be located in the rear garden of the appeal site. The connection of the outbuilding to the main dwelling would block the existing access from the front of the dwelling to the rear, making the site appear more closed off but, as this would be screened from the road, the visual harm to openness would be minimal. However, the addition of a larger outbuilding than the existing within the Green Belt would have a significant impact on the openness of the site by way of spatial harm attributed to the total floorspace that the proposed building would occupy.

Other considerations

9. It has been stated by the appellant that the outbuilding, and other outbuildings, could be constructed on the appeal site, within the Green Belt, under permitted development rights. However, this is not the case before me and I have no details of such alternative proposal. Therefore this consideration can only be afforded limited weight.
10. The appellant also raises previous developments within the local vicinity and which have been approved within the Green Belt. 133 Noak Hill Road has been

highlighted, as two dwellings were built to the rear of the main dwelling within the Green Belt. However, I am unaware of the particular circumstances considered in that or any of the other cases. Therefore, these precedents cannot be given any weight.

11. I find that the other considerations in this case do not clearly outweigh the harms by virtue of inappropriateness and to openness that I have identified and which carry substantial weight. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist.

Character and Appearance

12. The Council's second reason for refusal relates to the other extensions to the main dwelling which, the parties agree, are not located within the Green Belt and therefore have been addressed separately. This includes the two-storey front extension, two-storey rear extension (to which the proposed outbuilding is connected via a glazed link) and the adaptations to the roof.
13. The surrounding area is residential in nature with a ribbon form of development along Noak Hill Road surrounded by rural land. The dwellings in the vicinity of the appeal site are eclectic in design and appearance, with the dwelling at the appeal site being modern in appearance and set back considerably from the highway.
14. The proposed development would increase the size of the dwelling considerably by elongating the property. The proposed crown roof would result in a large and imposing structure which would have a block like appearance. The resultant dwelling would appear overly dominant on the site and within the context of the surrounding area, which would be exacerbated as the width of the site at the point where the dwelling is located is relatively narrow and as the dwelling is further back into the site than the neighbouring properties. The varied design of neighbouring properties and the use of crown roofs nearby has been highlighted by the appellant however this would not mitigate for the dominance of the resultant structure on this plot. Therefore, the proposed development would be out of keeping with the site and the locality and would have a detrimental impact on the character and appearance of the area.
15. It is noted that a crown roof was proposed for a previously approved planning application at the same site, however no details of this application have been provided and therefore the particular circumstances of the case are unknown and cannot be taken into consideration.
16. For the reasons above I consider that this part of the proposal would be harmful to the character and appearance of the area and therefore would be contrary to Policy BAS BE12 of the Basildon District Local Plan Saved Policies (September 2007) and Policy DES1 of the Basildon Borough Revised Publication Local Plan (October 2018), which seek to provide a high standard of design and prevent extensions to existing dwellings which would harm the character of the surrounding area, and the design objectives of the Framework.

Conclusion and Recommendation

17. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR