
Appeal Decision

Site visit made on 13 August 2019

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2019

Appeal Ref: APP/B5480/D/19/3231924

Foxborough House, Broxhill Road, Havering RM4 1QH

- 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 Zaffar Azim against the decision of the Council of the London Borough of Havering.
 - The application Ref P1923.18, dated 16 December 2018, was refused by notice dated 5 April 2019.
 - The development proposed is 'existing garage demolished and new outbuilding/garage construction'.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect on the openness of the Green Belt and the character and appearance of the surrounding area; and
 - if the proposal would be inappropriate development, whether the harm to the Green Belt 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 it.

Reasons

3. The appeal property is a detached two storey dwelling located with a small group of other dwellings set either side of Broxhill Road in an open, semi-rural location. It is located within the Metropolitan Green Belt and the Havering Ridge Area of Special Character.

Whether the proposal is inappropriate development

4. The Framework makes clear that the construction of new buildings in the Green Belt should be regarded as inappropriate, with a small number of exceptions¹.

¹ Paragraph 145.

None of these refers explicitly to domestic outbuildings as proposed in this case. However, the building would replace the existing garage on the site, utilising part of the same footprint, and therefore 145d) is relevant. This allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. While a gym would be included as part of the new building, its overall use would not change as it would remain incidental to the established residential use of Foxborough House. However, the Council indicates that the existing footprint of the building would increase by just under 59%. As such, it is reasonable to conclude that it would be materially larger in this respect than the building it would replace.

5. However, given that the proposed building would be a normal domestic adjunct to the dwelling, the outbuilding is also capable in principle of being considered as an extension to the existing dwelling, in accordance with 145c) of the Framework. In this regard the Framework requires extensions not to result in disproportionate additions over and above the size of the original building.
6. The Council refers to Policy DC45 of its Core Strategy and Development Control Policies document (the Core Strategy), which concerns development in the Green Belt. Despite the fact that this policy pre-dates the Framework, it is broadly consistent with it and, therefore, I have had regard to it as well as to the Framework for the purposes of determining this appeal. Of particular relevance is the fact that Policy DC45 says that extensions, alterations and replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling.
7. A number of extensions and alterations have been permitted to the appeal property. However, it is not fully clear from the appeal submissions or site inspection how the size of the original building may have changed as a result of these permitted extensions. Consequently, the principal basis for assessing proportionality in this case is the physical size and scale of the proposed outbuilding, including the degree of bulk or mass that might be added in relation to the host dwelling.
8. The existing and proposed buildings would be of similar height, but the principal change would be the greater depth and width of the new building. However, these would not harmfully alter the relationship with the two-storey host dwelling, as the building would remain subordinate to the scale of the much larger dwelling. Moreover, given the size of the residential curtilage it would not appear as a disproportionate addition in its setting.
9. Therefore, for the above reasons, I conclude that the proposed outbuilding would not be inappropriate development in the Green Belt for the purposes of paragraph 145c) of the Framework and Policy DC45 of the Core Strategy.

Effect on Openness and Character and Appearance

10. The effect on openness is implicitly taken into account in the exceptions included in paragraph 145 of the Framework unless there is a specific requirement to consider the actual effect on openness. Therefore, for those exceptions within paragraph 145, including c) as in this case, where the effect of the development on openness is not expressly stated as a determinative

factor in gauging inappropriateness, and where the development has been found to be not inappropriate development as is the case here, there is no specific requirement to assess the impact of the development on the openness of the Green Belt.

11. Nonetheless, for the avoidance of doubt, I have found above that the proposed building would not result in substantive additional height or bulk that would materially harm the relationship with the host dwelling; and would not add significant additional built development to the relatively spacious residential curtilage of the appeal property. As such, there would be no material harm to the Green Belt's openness as a result of additional development of the type proposed.
12. In terms of the effect on character and appearance, there are other examples of large outbuildings in the residential curtilages of nearby dwellings. However, these are of relatively simple design and appearance. The use of the roofspace as a gym has resulted in an upper floor window to the front elevation and a side dormer that would be of similar height to the main roof ridge. These elements, most notably the dormer, would harmfully alter the otherwise simple proportions of the building and would add features that are uncharacteristic of the surrounding area, which is designated as being of special character. Despite some landscaping to the front boundary, they would be prominent in public views from where their incongruous and uncharacteristic appearance would be readily apparent.
13. Accordingly, for these reasons, I conclude that the proposed building would have an unacceptably harmful effect on the character and appearance of the surrounding area. Consequently, it is contrary to Policy DC61 of the Core Strategy, concerning urban design and which states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. This policy is consistent with the Framework.

Other Considerations

14. While I have found that the proposal would not result in direct harm to the Green Belt, I have had regard to other considerations raised by the appellant, which it is argued, together constitute very special circumstances in favour of the proposal. However, most of these matters have been considered under the main issues above and neither the siting, materials to be used nor opportunities for further landscaping are sufficient basis to outweigh the harm and conflict with national and local policies that I have found would result from the proposal.

Overall Conclusion

15. I have found above that the proposal would not be inappropriate development in the Green Belt and so there is no conflict with the Framework or Policy DC45 of the Core Strategy. Furthermore, there would be no harm to the openness of the Green Belt in this location. However, these findings do not outweigh the harm that would result from the effect of the proposal on the character and appearance of the surrounding area, and the conflict with national and local policies. Consequently, the appeal should not succeed.

J Bell-Williamson

INSPECTOR