
Appeal Decision

Site visit made on 4 November 2019

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 November 2019

Appeal Ref: APP/H1515/W/19/3235651

Bellrope Cottage, Ongar Road, Standon Massey, Brentwood, Essex CM15 OLE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Kim Thraves against Brentwood Borough Council.
 - The application Ref 18/01962/FUL, is dated 14 December 2018.
 - The development proposed is the erection of a 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 amounts to inappropriate development in the Green Belt and whether there is any other harm to the Green Belt
 - The effects of the proposal on the character of the area
 - Whether there are any other matters which are capable of outweighing the harm to the Green Belt and other harm.

Reasons

Green Belt

3. The appeal relates to this detached house and its surrounding land, which is located within the Green Belt. The existing house is wide and shallow with a garage to its northern side. It is partly 2 storeys in height but with some of the first floor accommodation set partly within the roof and a sizeable single storey element to the northern side. The site also contains some outbuildings to its rear; these are of a modest single storey height. The proposal is to replace all of the buildings on the site with a detached 2 storey house and a double garage
4. The Council makes reference to its relevant policies contained within the Brentwood Replacement Local Plan 2005 (LP). Policies GB1 and GB2 set out general protection for the Green Belt, seeking to prevent inappropriate development or development which conflicts with the purposes of designating the Green Belt. The Council also refers to Policy GB6 but acknowledges that the rather prescriptive approach is not now consistent with the National

Planning Policy Framework; the Council advocates an assessment against the Framework in this respect.

5. The Framework states that the construction of new buildings in the Green Belt should be treated as inappropriate development and then lists a number of exceptions, which includes the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. There is no definition of what may be considered as 'materially larger' and no definition of what criteria to use in any such assessment, be it footprint, floorspace or volume.
6. The appellant sets out a number of different detailed comparisons. The first such assessment includes the relative footprint of the existing house, plus extensions, plus outbuildings, all compared to the proposal. This indicates that the footprint of the proposal would be significantly greater than the existing house (minus its extensions) but also indicates a reduction when the outbuildings are considered. The second such assessment, summarised in the submitted Table 2 seeks to compare the depths, widths and height of the existing and proposed development.
7. In my assessment the consideration of the footprint of the existing and proposed buildings is of limited use. It completely fails to convey any sense of the effects of the height of the buildings. For instance, the out-buildings are of very limited height and their effects on the locality would be far less than a 2 storey building of the same footprint. The comparison of the depths, widths and heights is only partly useful in my view due to the singling out of one dimension. This fails to give a clear impression of the overall sizes of the existing and proposed buildings, which would perhaps more helpfully be conveyed with a comparison of the volumes, in this case. The appellant makes some reference to volume and indicates that, when compared to the existing house and garage, the proposed house (presumably minus the garage) would represent an increase of 53%. I consider this to be a significant increase and one which would result in a materially larger building.
8. In my assessment, while the overall width of the house would be less than the existing house, this would be far outweighed by the greater height and depth. The proposal would represent a significant increase in built form, particularly at the rear of the property where the proposal would extend to a significantly greater depth and at its full height. In addition, the proposed garage would be set a short distance to the rear and side of the proposed house and would also contribute to the visual effects of the proposal.
9. As a result, I consider that the proposal would represent a materially larger building than the one it replaces. Therefore, the proposal represents inappropriate development within the Green Belt. Inappropriate development is, by definition harmful to the Green Belt. As part of my assessment of the proposal, I consider that the proposal would have an unacceptable effect on the openness of the Green Belt due to the greater size of the proposal, as I have described above. The harm to the Green Belt carries significant weight in the determination of this appeal.

Character of the Area

10. I have taken careful account of other buildings within the local area, including the properties opposite and further along Ongar Road in both directions. Whilst

I have concluded that there would be harm arising as a result of the size of the proposal in relation to its Green Belt location, I consider that, beyond those concerns, there is nothing otherwise unacceptable about the appearance of the buildings and its detailed design. Therefore, I find nothing to add to my concerns for the proposal in this respect.

Other Matters and Conclusion

11. The appellant indicates that extensions could be undertaken at the property under permitted development. It is suggested that these extensions should be taken into account in determining the appeal. Firstly, I note the appellant's statement that such extensions would be pursued as an alternative to the appeal, if it were to fail. However, no application for a Certificate of lawfulness has been made. The details that have been submitted with the appeal are vague and do not represent a detailed scheme. They merely indicate blocks attached to the existing house and so there is no way of making any informed judgement in relation to design. In addition, I consider certain aspects of the appeal scheme to be more unacceptable than the indicated permitted development scheme, namely the depth and bulk at the rear of the property. Therefore, I attach only limited weight to the suggested fallback scheme. I have considered the contents of the appeal decision which is referred by the appellant in this respect (Ref: APP/V3120/A/12/2188869). There are differences which distinguish it from the scheme before me: a Certificate of lawfulness had been obtained for the fallback, which in addition, would mean that a detailed scheme was available to make comparisons with.
12. The harm to the Green Belt carries substantial weight. It is my view that the proposal would be harmful by definition and would result in harm to openness. I have taken account of all of the matters set out by the appellant, however, I consider that the identified harm is not clearly outweighed by the other matters. Therefore, the very special circumstances necessary to allow the appeal do not exist.
13. As a result of my findings, the proposal is contrary to Policies GB1 and GB2 of the LP and contrary to the advice in the National Planning Policy Framework. There are no matters which clearly outweigh that harm. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR