



Appeal Decision

Site visit made on 5 December 2019

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 10th December 2019

Appeal Ref: APP/M1595/D/19/3234489

Greystead, Parkers Farm Road, Orsett RM16 3HX

- 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 Hunn against the decision of Thurrock Borough Council.
 - The application Ref 19/00367/HHA, dated 11 March 2019, was refused by notice dated 15 May 2019.
 - The development proposed is a garage extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The address of the property is as set out above. Notwithstanding that some of the documents label the highway as Church Lane, I am satisfied that I have correctly identified the appeal site.

Main Issues

3. The site is in the Metropolitan Green Belt. The main issues are: whether the proposal would be inappropriate development in the Green Belt; the effect of the proposal on the openness of the Green Belt; and, if the proposal would be inappropriate development, 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 the proposal would be inappropriate development in the Green Belt

4. The appeal property is a detached house with a separate garage and a larger detached conservatory and swimming pool complex (the pool building) in an extensive garden. The proposal is for a single-storey pitched roof extension to the garage, linked to the side of the pool building by a passageway.
5. Paragraph 145 of the National Planning Policy Framework (the Framework) states the construction of new buildings should be regarded as inappropriate development in the Green Belt with some exceptions. Exception (c) provides for 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.

6. Policy PMD6 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 (the CS) contains similar provisions. In the case of residential extensions the policy says this means no larger than two reasonably sized rooms or any equivalent amount. As such I give it weight as it is consistent with the wording in the Framework. Although there is no specific reference within the Framework to the extension of outbuildings within a domestic curtilage, the proposal is stated to be for purposes incidental to the enjoyment of the dwelling house. I therefore consider the guideline at Policy PMD6 to be indicative of the Council's stance as regards additional floor space at residential properties.
7. The proposed extension would be some 7.1m by 10.9m, providing some 78.3 sqm additional floor space stated to be for purposes incidental to the residential use of the property. The existing pool building has an extensive floor area of approximately 157.5 sqm. Whilst the appellant's Statement of Case gives a variety of figures, it seems that the garage building would be almost 50% of the gross floor area of the pool building. It would be no higher than the pool building. Neither Party provides sizes of two reasonable sized rooms in the context of this appeal. In the absence of such, I am unable to come to an informed view as to whether two such rooms would be as extensive as the proposed garage floor space. Similarly no details of volume of the original building or the proposed extension have been provided. Overall, I conclude that, as a matter of fact and degree, the proposed extension would, in this instance, amount to a disproportionate addition to the pool building. Therefore it would be inappropriate development in the Green Belt.

Effect on openness

8. The countryside around the appeal site is relatively flat with few buildings in the immediate vicinity other than the two storey house with outbuildings adjoining one side boundary. Within the appeal site, the buildings are set well back from the road. The pool building is to the north of the house and mainly set back behind it. The existing garage is in front of the pool building and projects slightly forward of the house.
9. There are railing style metal gates and a low wall with railings/hedge on the boundary facing the lane which screens the buildings to some extent. Nevertheless at close quarters the garage and house appear quite prominent. Although there are more gates set back in line with the front of the garage, parts of the tall evergreen hedge on the northern boundary can be seen from the lane. The tall conifer boundary hedge continues behind and to the other side of the property, effectively screening it from any views from the nearby bridleway.
10. Openness is an essential characteristic of the Green Belt. It can be taken as the absence of buildings and development, whether or not prominent from a public viewpoint. The proposal would increase the footprint, scale and mass of the built form on the site. As a result, the openness of the Green Belt would be reduced to some degree.
11. The proposed extension would be positioned between the pool building and the northern boundary. It would be set further back than the existing garage and I accept that there would be limited visibility of it. However, a lack of visibility does not in itself mean there would be no loss of openness. The proposal would reduce the open gap to the boundary and would amount to encroachment of

the countryside, contrary to one of the purposes of the Green Belt as set out in the Framework. Although in isolation the loss of openness would be limited, nonetheless, there would be harm, albeit relatively minor, arising from this, in addition to that arising from the inappropriate nature of the development.

Other considerations

12. The appellant has a successful long-term hobby of motor car racing and owns five race cars, associated car parts, spare car bodies etc, a transporter and equipment necessary for dismantling and re-building the vehicles. At my site visit I observed outside storage of car parts, as well as maintenance taking place in the garage and on the drive. Whilst I did not see a transporter, there were two coaches parked within the property. I give some weight, in this regard, to the appellant's preference for on-site covered storage and maintenance space.
13. However, given the extent of vehicles and parts identified, it seems unlikely to me that these could all be stored in an extension of the size proposed. Moreover, as described, these items would come and go, unlike the permanency of a brick and render extension with a tiled roof. Accordingly the weight I give to the reduction of outside storage on the openness of the Green Belt is relatively limited.
14. Permitted development rights to construct extensions and outbuildings without the need for express planning permission were removed by a condition imposed on the original planning permission for the current dwelling (Ref THU/417/95). Whilst relaxing the original restrictions in part, a colleague Inspector, in considering an appeal to remove that condition, retained the restrictions on the rights to construct extensions and outbuildings in the interests of safeguarding the openness of the Green Belt (Appeal Ref T/APP/Y1565/A/96/265832/P5). This would be to control, rather than necessarily totally prevent, such development. As a result of the construction of the replacement dwelling, a new stage commenced in the planning history of this site. Consequently, because of the condition, the appellant does not have a "fall back" position.
15. I acknowledge that permitted development rights apply to other properties in the Green Belt. I also acknowledge that a colleague Inspector, in the mid-90s, when considering an appeal at Eden Bridge in the Green Belt, included, as part of the very special circumstance in allowing the appeal, the fact that the garage proposed in that case would have been permitted development had it not been sited in the curtilage of a Listed Building¹. However, that is different to the deliberate removal of permitted development rights by condition specifically because of a permission granted in the Green Belt. Accordingly this matter does not provide any support in terms of my consideration of the proposal before me.
16. The appearance of the proposed extension would match those of the other buildings within the site and I am satisfied that the proposal would not have an unacceptable impact on the character and appearance of the area. In addition, the proposal would not harm the living conditions of other nearby residents. However, an absence of harm in these matters is a neutral factor and does not attract any positive weight.

¹ Appeal Ref T/APP/G2245/A/96/268812/P4 and A/96/272452/P4

Other Matters

17. The appellant has complained to the Council about miscommunication during the application process and inaccuracies by the Council. I confirm, in this regard, that I have reached my own conclusions on the proposal in respect of the planning merits of the case.
18. This proposal is of reduced scale compared to an earlier proposal refused by the Council Ref 17/01111/HA. However, that in itself does not lead me to conclude that the proposal before me is acceptable.
19. Other Green Belt cases have been drawn to my attention. From the available evidence relating to the Edenbridge appeal, it appears that the Inspector found there had been a building of a similar footprint previously, that it would not be visible from the public domain and would have no material effect on the openness of the Green Belt. More recently, a side and rear extension at Fen Lane Bulphan (Ref 18/01760/HHA) was allowed at Committee against Officer recommendation even though the extension substantially exceeded the size guidance of Policy PMD6. From the evidence, however, it appears that most of that extension was behind the existing property in that case, although it is not entirely clear why the proposal was acceptable. In any event each application and appeal must be considered on its own merits and neither example leads me to any different conclusion in respect of the proposal before me.

Planning Balance and conclusion

20. To conclude, the appeal proposal would be inappropriate development in the Green Belt. By definition therefore, it would be harmful to the Green Belt. It would also cause harm to the openness of the Green Belt, albeit to a relatively limited degree. The Framework requires that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' 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. In this case, even when taken together, the other considerations as set out above do not clearly outweigh the harm the scheme would cause. Consequently, very special circumstances do not exist, and the proposal would conflict with the Framework.
21. For the reasons set out above I conclude that the proposal would have a harmful effect on the Green Belt. In conflicting with Policy PMD6 of the CS the proposal cannot comply with the development plan as a whole. I find no other material considerations to indicate the decision should be other than in accordance with the development plan. The appeal is dismissed.

S Harley

INSPECTOR