
Appeal Decision

Site visit made on 26 November 2019 by Emma Worby BSc (Hons)

Decision by Andrew Owen BA (Hons) MA MRTPI

appointed by the Secretary of State

Decision date: 02 January 2020

Appeal Ref: APP/B1550/W/19/3235871

80 High Road, Hockley SS5 4TA

- 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 Neil Stephens of South East Construction Essex Ltd against the decision of Rochford District Council.
 - The application Ref 19/00288/FUL, dated 21 March 2019, was refused by notice dated 12 June 2019.
 - The development proposed is two new build 5-bedroom detached houses.
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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.

Main Issues

3. The main issues in the appeal 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;
 - Would the harm by reason of inappropriateness be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether it Would be Inappropriate

4. The appeal site contains an existing detached dwelling and outbuildings and is located within the Green Belt. The proposal would replace this existing dwelling with two new two-storey dwellinghouses. Paragraph 145 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One exception, d), is the replacement of a building providing it is in the same use and not materially larger than the one it replaces, and this is the main focus of the Council's decision. Policy DM21 of the Development Management Plan (2014) states replacement dwellings must be no greater than 25% bigger than the original dwelling. This is generally

consistent with the Framework in so far as it quantifies what would be 'materially larger', but inconsistent in as far as it refers to the 'original' dwelling whereas the Framework refers to the 'existing' building. Consequently, on this particular point, I have considered the proposal against the Framework.

5. From the evidence it appears both parties agree that the floor area of each dwelling would be 314m² (a total therefore of 628m²) and that this would be an increase above the floor area of the existing dwelling by more than 25%. However the appellant suggests that there would be a reduction in terms of footprint from 467m² at present to 352m² as proposed, resulting from the consolidation of built form into two traditional two storey buildings instead of the rather sprawling, mainly single storey buildings, at present. Whilst clearly there is some advantage to reducing the footprint of development, an assessment of whether a building is materially larger should also include other matters such as height and visual perception. In this regard, the proposed dwellings would be greater in height than the existing and would have a greater visual bulk at first floor and roof levels. Therefore, I consider the proposed replacement buildings would appear to be materially larger than the existing development. appropriate
6. I do not consider that the Framework necessarily intends to prevent a development of more than one building from being able to take advantage of this exception, and so it is not improper to consider the development against it, as I have done. Consequently it is not necessary, or indeed fitting, to assess these two proposed dwellings individually against different criteria within paragraph 145 of the Framework. Nonetheless, I agree with the appellant, that the development as a whole should be assessed against other relevant exceptions in paragraph 145, namely e) and g).
7. Exception e) is that the development comprises infilling in villages. Whilst it is not disputed that the development could constitute infill, the parties dispute whether the site is within a village. The ribbon of development within which the site sits roughly connects the settlements of Rayleigh and Hockley and the parties agree the site is not part of either of those settlements. Although the appellant suggests this ribbon development is a village, I disagree as it merely comprises a row of a limited number of houses on either side of High Road. As such the development would not benefit from this exception.
8. Exception g) is that it comprises limited infilling or the partial or complete redevelopment of previously developed land where it would not have a greater impact on the openness of the Green Belt than the existing development.
9. Firstly, as stated above, the proposal would be infill and two units would be a limited quantum of development. Secondly, I find the development would constitute the redevelopment of previously developed land as the part of the site where the two houses would be built is clearly already built upon by the existing dwelling.
10. With regard to the effect on openness, I recognise the proposal would break up the elongated existing built form by providing a gap between the two units, and overall a reduction in footprint. However, the gap between the two houses would be minimal and this, even with the reduction in footprint, would not mitigate for the increase in floor area, which would adversely affect openness in a spatial sense; and the increase in bulk at first floor and roof level, which would visually harm openness. As a result, the development would have a

greater impact on the openness of the Green Belt than the existing development and so would not benefit from this exception.

11. The appellant has highlighted a previous planning application for a pitched roof on the appeal property in 1990 which increased the height of the dwelling and was not found to impact the Green Belt. However, as the application was some time ago, it would have been considered against a different policy background and the full circumstances of this application are unknown. Indeed if this was implemented, then the scale of the existing dwelling already accounts for it and, as set out above, the proposal represents a further increase in height compared to that. As such this matter does not affect my view.
12. In summary, the proposal would not fall into any of the exceptions listed in paragraph 145 of the Framework. It therefore would constitute inappropriate development. Substantial weight should be given to any harm to the Green Belt, and development should not be approved unless the harm to the Green Belt is clearly outweighed by other considerations.

Other Considerations

13. It has been suggested that the proposed development would constitute sustainable development in terms of its proximity to services and facilities within the towns of Rayleigh and Hockley, and would provide an additional dwelling to fulfil a housing shortfall in the District whilst making effective use of the land. However, the proposal would only provide one additional dwelling which would not be considered a significant contribution to the housing stock. Therefore, this could only be given limited weight even if the proposal was to be considered sustainable in terms of its location.
14. The appellant also claims that the proposal would be an improvement to the street scene, would reflect the height of neighbouring houses, and that the existing property is out of keeping with the surrounding area. However it is not considered that the view of the current dwelling from the streetscene is harmful to the locality and therefore any perceived aesthetical improvement cannot be given any weight.

Planning balance, Conclusion and Recommendation

15. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore the development in the Green Belt would fail to accord with Policy GB1 of the Core Strategy Adopted Version (2011) and Policy DM21 of the Development Management Plan (2014) which seek to protect the Green Belt from inappropriate development.
16. Notwithstanding this, if the Council cannot demonstrate a 5 year supply of housing, and their policies are considered out of date, the application of paragraph 11 d) i) of the Framework states that planning permission should be granted unless the application of policies in the Framework that protect areas of particular importance provide a clear reason for refusing the development. Such areas include the Green Belt and so the application of relevant policy in the Framework, which is to protect the Green Belt from inappropriate development and with which the proposal would conflict, gives a clear reason for dismissing the appeal.

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