
Appeal Decision

Site visit made on 3 February 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2020

Appeal Ref: APP/W1525/W/19/3240603

Grove House, Ongar Road, Writtle, Chelmsford CM1 3NT

- 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 and Mrs Wood against the decision of Chelmsford City Council.
 - The application Ref 19/00509/FUL, dated 26 March 2019, was refused by notice dated 14 June 2019.
 - The development proposed is demolition of existing commercial buildings and construction of a single dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted two new drawings, depicting the proposed street scene (Ref 04) and a site section with a previous scheme overlay (Ref 05 A). As these drawings have not changed the proposals, I have accepted them as additional supporting information, but they do not form part of the formal drawing set.
3. The emerging Local Plan 2019 has been through the Examination in Public and been found 'sound' subject to modifications. As modified, the plan carries significant weight.

Main Issue

4. The main issue is whether or not the development is inappropriate development in the Green Belt.

Reason

Whether inappropriate development

5. The appeal site comprises a builder's yard accessed by a private driveway from Ongar Road, the A414. The site is located within the Green Belt. There are a number of existing buildings, areas of hardstanding and what appear to be semi-permanent outside storage areas across the site. It is common ground that the site can be considered as previously developed land, and I agree. It is also common ground that the proposal amounts to the partial or complete redevelopment of previously developed land and should therefore be assessed against Para 145(g) of the National Planning Policy Framework (the Framework). The Framework states that in this instance development is

inappropriate if it would have a greater impact on the openness of the Green Belt than the existing development.

6. The proposal is for the demolition of several existing 1-storey commercial buildings and the construction of a 2-storey house. The proposed building would have a slightly smaller footprint than the combined footprint of the existing buildings, at 182 sq m compared to 206 sq m. It would also consolidate a collection of buildings which currently sprawl across the site in one location. However, even allowing for the proposal to dig slightly into the existing ground level, it would be noticeably taller than any of the existing buildings, which are at most 2.8m tall. And the massing at the 2nd-storey level would be significant, including substantial dormer sections. The elevations fronting the most prominent part of the site, overlooking the fields, would be particularly visible compared to the existing buildings, and even the elevation fronting Ongar Road would still be intermittently visible. The proposal therefore harms both the spatial and visible openness of the Green Belt.
7. The proposal would therefore be inappropriate development as defined by Para 145(g) of the Framework. Para 143 of the Framework states that inappropriate development should not be approved except in 'very special circumstances'. Para 144 of the Framework states that 'very special circumstances' exist if the potential harm to the Green Belt, and any other harm resulting from the proposal, is clearly outweighed by other considerations. I assess this below.

Non-Green Belt harm

8. The application was refused solely on the basis of harm to the Green Belt. It is common ground between the Council and the appellant that all other factors are acceptable and that the proposal would not cause any non-Green Belt harm. I see no reason to disagree with this.

Other considerations

9. A 3-bedroom house is proposed and the provision of a family sized dwelling weighs in favour of the proposal. The transitory economic benefits from construction of the dwelling and also the long-term economic benefits to the local economy from occupation of the dwelling also weigh in favour of the proposal.
10. Planning permission Ref 17/01049/FUL was granted on 24 October 2017 for a 1-storey house on the site (the '2017 proposal'). The evidence before me is that this has not yet been implemented and there are two pre-commencement conditions to discharge, but it is a reasonable assumption that this scheme could be implemented before it expires on 24 October 2020. This is therefore a realistic fallback position.
11. The 2017 proposal was for an 'L'-shaped home with a smaller footprint than the appeal proposal, at 152 sq m compared to 182 sq m. It was also for a 1-storey bungalow, compared to the 2-storey house now proposed. This is physically manifested in a higher proposed roof line. The appeal scheme is 5.8m to the highest part of the roof, versus 5m for the 2017 proposal (excluding a small chimney). The appellant states that the true height of the 2017 proposal in comparison to the appeal proposal would be higher than the 5m ridge height suggests because that application was based on a false ground level, whereas the appeal proposal has allowed for the existing fall in the land across the site.

12. However, in reality if the 2017 proposal were implemented then it would be built to the same existing ground level as the appeal proposal would be, whatever that is. The appeal proposal would therefore likely be 0.8m taller than the fallback position at its highest point. Both proposals have elements of the roofline slightly lower than these high points and due to the different roof designs it is difficult to directly compare across the entire roofscape, but a difference of between 0.8m and 1m is also found even where the roof ridge height is lower, at 5.4m to 5.6m compared to 4.5m. In addition, the appeal proposal includes significant bulk within the 2nd-storey level that isn't present in the 2017 proposal through the provision of large dormer windows. Therefore, the overall ridge height, scale, and massing of the proposal is greater than the fallback position.
13. This would be clearly perceived from public footpaths to the rear of the site, and would also be partially perceived from the A414, which is not fully screened by the existing conifer hedge which I found to be significantly lower than the 3m claimed by the appellant. The proposed house would also be perceived in glimpsed views from surrounding properties and the access road. Although limited, there is therefore a greater impact on both spatial and visible openness of the Green Belt than the fallback position.
14. The appellant highlights an example decision where the Council allowed for an increase in roof height of a replacement building in the Green Belt – 'The Cottage', in Stock. I have reviewed this decision and it relates to a replacement building in the same use that was not found to be materially larger than the existing building. It was therefore reviewed under Para 145(d) not (g) of the Framework and is not a directly relevant example. There are also other material differences in consideration of the scale and nature of the proposal.
15. Para 144 of the Framework directs me to give the harm to the Green Belt through the inappropriate development substantial weight. 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 inappropriate development do not exist. The proposal therefore fails to comply with the relevant parts of Policy DC1 (Controlling Development in the Metropolitan Green Belt) of the Core Strategy and Development Control Policies DPD 2008, Paras 133, 143, 144 and 145 of the Framework, and also emerging Policy CO2 (New Buildings in the Green Belt) of the emerging Local Plan 2019.

Conclusion

16. The appeal is dismissed.

O S Woodward

INSPECTOR