



Appeal Decision

Site visit made on 10 February 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2020

Appeal Ref: APP/M1520/W/19/3241028

High Oaks, Ullswater Road, Thundersley, Benfleet SS7 3JB

- 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 Andrew Debnam against the decision of Castle Point Borough Council.
 - The application Ref 19/0439/FUL, dated 18 June 2019, was refused by notice dated 14 August 2019.
 - The development proposed is the demolition of an existing bungalow and construction of a replacement, 4 bedroom, chalet bungalow.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the appeal scheme would be inappropriate development in the Green Belt.

Reason

3. The appeal site comprises a 1-storey, 3-bedroom bungalow set in substantial grounds, including a large outbuilding, a garage, a static caravan, greenhouse, shed, decking and a gravel driveway. It is proposed to demolish the bungalow and to build a replacement 2-storey 'chalet' style bungalow, including some of the existing decking and garden land. All other buildings and the driveway are to remain as existing.
4. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt other than in respect to a limited range of specified exceptions, as set out in Paragraph 145 of the National Planning Policy Framework (the Framework). One such exception is for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
5. The appeal proposal is for a replacement dwelling. However, it would have a larger footprint to the rear and a larger porch area to the front compared to the existing building. Although the second storey would be within the roofslope in a 'chalet' style, it would still be noticeably taller than the existing building. The

appellant's own figures confirm that the proposed building would have a volume of 638 cubic metres in comparison to the existing volume of 363 cubic metres, an increase of some 76%. I therefore consider the replacement building to be materially larger than the one it replaces.

6. The appeal scheme would not, therefore, meet the exception criteria of Paragraph 145d of the Framework. Policy GB4 of the adopted Local Plan 1998 relates to replacement dwellings in the Green Belt. Unlike the Framework, this Policy includes provision for the inclusion of unused permitted development rights, as defined by volume, as part of assessing whether or not the replacement building would be materially larger than the existing building.
7. In this regard, there is a Certificate of Lawfulness at the appeal site for side extensions to each flank of the property. And, a Prior Approval exists for a single-storey rear extension. The volume of the dwelling as extended by both the above would be greater than that proposed for the appeal. On this basis, the proposal would accord with Policy GB4. Nonetheless, given the degree to which this Policy differs from the current Framework in this regard, its relative age and bearing in mind the Local Plan was prepared and adopted in a different domestic permitted development rights context, Policy GB4 carries very limited weight compared to the Framework.
8. Moreover, from the wider evidence, I have found no other reason to believe that the appeal scheme would meet any of the wider exception criteria of either Paragraphs 145 or 146 of the Framework. Accordingly, the proposal would be inappropriate development in the Green Belt in the terms of the Framework.

Other Matters

9. The application was refused solely on the basis of harm to the Green Belt. It is common ground between the appellant and the Council that all other factors are acceptable and that the proposal would not cause any non-Green Belt harm. On the basis of the evidence before me, I see no reason to disagree with this.
10. The replacement building would be more in-keeping with its context than the existing bungalow, with a well-considered modern design and materials palette, thereby improving the character and appearance of the area. This is particularly important because the site lies within the Great Burches Landscape Improvement Area. It would provide a larger dwelling, changing from a small 3-bedroom bungalow to a larger 4-bedroom house, creating accommodation more suitable for a family. There would be transitory economic benefits from construction of the dwelling and also the long-term economic benefits to the local economy from occupation of the dwelling. All these factors weigh in favour of the proposal.
11. There is a Certificate of Lawfulness and a Prior Approval for extensions to the property. If constructed these would add significantly to the footprint and volume of the dwelling. However, the extensions would be single-storey, with the flank extensions even lower to the roof ridge height than the existing bungalow, and the rear extension largely contained within the lee of the existing 'L' shaped building footprint. The increased height and mass of the appeal proposal, particularly at first floor level, would have a greater impact on the visual openness of the Green Belt than the single storey footprint increase.

12. In addition, it has not been successfully demonstrated that both fallback positions could be implemented simultaneously. No plan has been provided to demonstrate how a successful internal layout could be achieved within the footprint of the combined schemes. And, no layout appears to be readily achievable given the location of the kitchen and bedroom 1 in the prior approval scheme blocking access to the permitted development extensions. For all these reasons I give only limited weight to these schemes as a likely alternative to the appeal proposals.
13. Paragraph 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.

Conclusion

14. While the proposed development would accord with the Development Plan, notably Policy GB4, it would clearly conflict with current government Green Belt policy on the basis that it would be inappropriate development, harmful to the Green Belt, which in the absence of very special circumstances, should not be approved. Accordingly, the appeal should be dismissed.

O S Woodward

INSPECTOR