



Appeal Decision

Site visit made on 7 January 2020

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2020

Appeal Ref: APP/W1525/W/19/3239169

Trees, Madles Lane, Stock, Ingatestone, CM4 9QA

- 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 & Mrs J Longbourn against the decision of Chelmsford City Council.
 - The application Ref: 19/01004/FUL dated 4 June 2019, was refused by notice dated 25 July 2019.
 - The development proposed is conversion of bungalow to chalet dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for the conversion of bungalow to chalet dwelling at Trees, Madles Lane, Stock, Ingatestone, CM4 9QA in accordance with the terms of application Ref: 19/01004/FUL dated 25 July 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans/drawings numbered: 19/1904/01; 19/1904/03; 19/1904/04; 19/1904/05; 19/1904/06; 19/1904/07; 19/1904/08; 19/1904/09; 19/1904/10; 19/1904/11; 19/1904/12; 19/1904/13.
 - 3) No development shall take place above slab level, until details of the materials to be used in the construction of the external surfaces of the building, hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 - 4) Notwithstanding the provisions of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the dwelling/house shall not be enlarged or extended without the grant of an additional planning permission by the Local Planning Authority.

Procedural Matters

2. The name of the appellants in the banner heading above is taken from the original planning application form. It has been confirmed by the appellant that there was a spelling error. The appeal has been made in the name of Hazel

Longbourne only, as stated in the appeal form and this appeal proceeds on that basis.

3. Following the examination hearings into the Chelmsford Draft Local Plan Pre-Submission Document (the CDLP) and the Inspector's Report, the Council has published and consulted on its main modifications. The Council has provided copies of the policies relevant to this appeal that it is intended to adopt on 31 March 2020. I have allowed the parties a chance to comment upon these policies, which given their advanced stage, attract significant weight.

Main Issues

4. 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;
- the effect of the proposal on the character and appearance of the area; 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 it.

Reasons

Inappropriate development

5. The National Planning Policy Framework (2019) (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to exceptions set out in paragraph 145. One exception is the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. Policy DC1 of the Council's Core Strategy and Development Control Policies Development Plan Document (2008) (the Core Strategy) reflects the objectives of the Framework. However, for an existing dwelling, it requires extensions to dwellings to accord with Policy DC47. Part B of DC47 requires extensions to be acceptable in size, scale and proportions and in keeping with the context and surroundings, and to not adversely affect the intrinsic character and beauty of the countryside. Although the wording is different to paragraph 145 of the Framework the intent is similar, and it attracts due weight.
7. Policy CO2 of the CDLP states that permission will only be granted for various exceptions to inappropriate development including extensions or alterations to buildings in accordance with Policy CO7. Policy CO7 states that permission will be granted for extensions or alterations to existing buildings where the extension or alteration would not: i) result in disproportionate additions over and above the size and scale of the original building; and ii) be out of keeping

with its context and surroundings, or result in any other harm. This is consistent with the Framework.

8. The existing dwelling has a footprint of approximately 186 square metres (sqm) and volume of approximately 819 cubic metres. The development would nearly double the floor space, increase the footprint to approximately 228 sqm and volume to approximately 1,166 cubic metres. Having regard to the combined increase in height, footprint and volume, the proposed development would result in disproportionate additions over and above the size of the existing building.
9. For the reasons set out above, the proposal would be inappropriate development in the Green Belt. Therefore, in this regard, it would conflict with Policy DC1 and DC47 of the Core Strategy, Policies CO2 and CO7 of the CDLP and with the Framework in so far as these policies state that the proposal would be inappropriate development which is, by definition, harmful to the Green Belt.

Effect upon openness

10. The dwelling the subject of this appeal is set within a large wide plot surrounded by land that slopes down to Madles Lane. The surrounding area is generally characterised by an undulating landscape divided by hedgerows and belts of trees, with occasional isolated or groups of dwellings of a mixed architectural character and appearance. Although the roadside and perimeter trees and hedgerows filter views, the dwelling is notable in the landscape.
11. The openness of the Green Belt has both a spatial and a visual aspect. The proposals would increase various dimensions of the existing dwelling. This would primarily include a stepped pitched roof by extending approximately 1m along the east-west ridge line (but higher at the half-hipped gables) and approximately 1m – 2m along the north-south ridge line (but higher at the half-hipped gable). A rear gable roof extension is also proposed. The increases in height to the roof would have a limited discernibility from Madles Lane and much of the surrounding undulating rural area. With regard to the proposed rear extension, although its visibility would be more limited by virtue of being to the rear of the dwelling, it would result in an adverse impact upon openness by virtue of its size, height, and massing.
12. The proposal, therefore, would have an adverse impact on the openness of the Green Belt in spatial and visual terms. It would conflict with the Framework, Policy DC1 of the Core Strategy and Policy CO7 of the CDLP. These policies outline criteria for the assessment of openness and confirm that openness is an essential characteristic of Green Belts.

Character and appearance

13. Dwellings in the locality appear of a variety of scales, forms and materials, although many appear to integrate dormer or bay windows and/or gable roofs. The existing single storey plain rendered building is set under an extensive tiled roof. Notwithstanding being comprised of different wings and elevations, the uniform rendered finish, extensive roof, and window arrangement accentuates its bulk and massing resulting in a uniform and bulky appearance.
14. The proposals include gable roof forms, dormer windows and some new and larger windows along the rendered and boarded facades, considerably altering

the appearance of the dwelling. The proposed design, form, features and materials would serve to break-up the massing of the dwelling, limiting the perception of the increased size. Furthermore, the composition of proposed features and additions would result in a well-designed dwelling and significantly improved visual appearance, in keeping with its rural setting. Therefore, the proposed dwelling would not be out of keeping or incongruous in the locality and be of a significantly enhanced visual appearance and design quality.

15. For the reasons set out above the proposed development would be compliant with Policies DC45 and DC47B of the Core Strategy and Policy MP1 of the CDLP, which require that development must be of a high quality, well designed and the siting, scale, form and detail should be appropriate to the character and appearance of the area.

Other considerations

16. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It is clear that substantial weight should be given to any identified harm to the Green Belt.
17. The appeal site benefits from a Certificate of Lawfulness (CLOPUD) (Ref:17/01739/CLOPUD) for a single storey side extension with a part flat roof and triangular roof light, conversion of the existing loft space and roof lights. The appellant has advised that additional permitted development rights above those deemed lawful under the CLOPUD could also be implemented. This would comprise an additional side extension of around 28 sqm and an increase in the extension permitted under the CLOPUD from approximately 25 sqm to 50 sqm. The Council does not dispute the existence of this fall-back position.
18. While the existence of permitted development rights is not unique or special in itself, their existence, likelihood of implementation and resulting development is a material consideration. Having regard to the evidence before me there appears to be a reasonable possibility of this scheme being implemented and therefore a valid fallback position exists. Therefore, I afford considerable weight to the fallback position in the overall planning balance.
19. By not increasing the height of the building and the volume of the extension (compared to that in the appeal proposal) the CLOPUD scheme would have a reduced impact upon the openness of the Green Belt. However, the fall-back scheme when compared to the submitted proposal, would be of markedly less visual merit, compared to the submitted proposal creating a wider dwelling, more discernible from the street scene.
20. If permitted development rights were to be implemented, the appeal scheme would have a larger floor area of around 7%, an increased volume of around 16%, but a reduced footprint (approximately 228sqm compared to 264sqm). By reason of the much reduced footprint and significantly improved design, I consider that the appeal proposal before me, would on balance represent a significantly more desirable development.

Green Belt balance

21. The appeal proposal amounts to inappropriate development and would result in harm to the openness of the Green Belt. This attracts substantial weight. However, it would result in a significantly more visually attractive and well-

designed dwelling when compared to the fall-back scheme. In this case, I consider that the harm by reason of inappropriateness and the harm to the openness, are clearly outweighed by the other considerations I have identified, in particular the fall-back position and the more sympathetic design of the appeal scheme. These amount to the very special circumstances necessary to justify the proposal.

22. The appellant and the Council have made reference to other developments permitted in the local area, and provided some details of these, which I have noted. However, I have determined the appeal proposal before me on its own merits and impacts.

Conditions

23. It is necessary to specify conditions for the time limit for commencement and compliance with the approved plans to ensure certainty. To ensure the satisfactory appearance of the development and because the full details of these materials are not set out, a condition is necessary to ensure the external materials used in the construction of the development are first approved in writing by the Local Planning Authority. Due to the location of the site within the Green Belt and because this appeal is allowing a markedly larger dwelling than currently exists, it is necessary to impose a condition withdrawing permitted development rights for the enlargement or extension of the dwelling/house.

Conclusion

24. For the reasons set out above, and having regard to all the matters raised, I conclude that the appeal should be allowed, and planning permission be granted.

Dan Szymanski

INSPECTOR