
Appeal Decision

Site visit made on 17 June 2020

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 25 June 2020

Appeal Ref: APP/B5480/D/19/3242976

Pine Farm, Hall Lane, Upminster, Essex RM14 1TT

- 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 T Broomfield against the decision of the Council of the London Borough of Havering.
 - The application Ref P1305.19, dated 15 August 2019, was refused by notice dated 18 October 2019.
 - The development proposed is conservatory extension and patio.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: -
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework -2019- (the Framework) and relevant development plan policies, including any relevant effects on the openness of the Green Belt, and: -
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

3. The appeal site lies to the south-east of the junction of Hall Lane with Warley Road and Shepherds Hill, set back from the road behind dense mature planting and is occupied by a bungalow. The southern and eastern boundaries of the site are formed by mature hedges.
4. There is no dispute between the parties that the land is within the Metropolitan Green Belt. Paragraph 145 of the Framework establishes that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. These exceptions include 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.
5. In this regard the 'original building' is the building as it existed on 1 July 1948, or, if built later, as it was originally built. Previous development has

- substantially added to the building, resulting in the structure that is the subject of this appeal.
6. Policy DC45 of the Havering London Borough Core Strategy and Development Control Policies Development Plan Document -2008- (the DCP) identifies forms of development that are not inappropriate development in the Green Belt. Extensions to existing buildings are not inappropriate development providing that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling. This policy is broadly consistent with the aims of those parts of the Framework which seek to protect the Green Belt from inappropriate development.
 7. The proposal would extend the dwelling to the rear by adding a conservatory. The Framework does not explain what is meant by 'disproportionate'. Whilst the form of the additional conservatory, which is predominantly glazed, would have a less bulky appearance than a solid structure, it would nonetheless be a significant addition to the building as it stands. The original building was a modest stable block and has already been extended to provide additional living accommodation. Taken together with the previous extensions the additional extension would result in a very significant increase in volume and footprint over that of the original building and would be a disproportionate addition to the building.
 8. The Framework identifies the fundamental aim of the Green Belt as "to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". The openness of the Green Belt has both a visual and spatial dimension. Whilst well screened from wider views from the public realm and surrounding land, the hedging on the eastern boundary is more intermittent and the proposal would be visible from nearby residential properties. It would be readily apparent, and therefore obvious, to observers. In visual terms therefore, the increased bulkiness of the enlarged built form of the building would result in a reduction in the visual openness of the Green Belt.
 9. Whilst there is no dispute that the plot could accommodate a building of the scale proposed, and the design and bulk is not out of keeping with the building in its current form, the proposed conservatory would nonetheless increase the bulk of the bungalow. Given that the proposed development would increase the size of the dwelling significantly over the original, both in cumulative footprint and volume terms, the development would undoubtedly lead to a loss of openness in spatial terms.
 10. The Green Belt serves five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
 11. Given that the development would be contained within the existing plot boundary I find that it would not encroach further into the countryside and so would not be contrary to the purposes of the Green Belt.
 12. Although the proposal would not conflict with the purposes of including land within the Green Belt, it would decrease the openness of the Green Belt and

would be a disproportionate extension to the original dwelling. For these reasons, I conclude that the proposal would amount to inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies, including any relevant effects on the openness of the Green Belt. The proposal would therefore be contrary to Policy DC45 of the DCP and Section 13 of the Framework, the aims of which I have set out above.

Other Considerations

13. The proposal would provide additional space within the dwelling and an external hardstanding for a formal seating area in association with the dwelling. The appellant argues that such extensions and amenity use are commonplace and are often positioned in such a relationship to a dwelling. However, such facilities are not universal and I have no evidence before me that the development, whilst desirable, would be fundamental to the enjoyment of the property as a family home.
14. It has been argued that storage of residential paraphernalia, such as barbecues, close to a dwelling is unsightly. However, the proposal would provide a habitable room, rather than a store and it is likely that, if no other arrangements are available within the site, such storage would result from the proposal.
15. The proposal would provide limited benefits to the local economy in terms of short term employment in the construction industry. Taken together, and given the limited scale of the development, these benefits carry limited weight.

Conclusion

16. The Framework establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I am also mindful that the proposed development would be contrary to the development plan in these respects.
17. Against this, I attach little weight to the contention of the appellants that the dwelling, in its current form, lacks the amenities normally associated with a family home. Similarly, I attach limited weight to the benefits that would accrue to the local economy from the proposal for the reasons I have given.
18. Consequently, I conclude that the harm by reason of inappropriateness is not clearly outweighed by other considerations, such that the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. Accordingly, I conclude that this appeal should be dismissed.

I Dyer

INSPECTOR