
Appeal Decision

Site visit made on 16 June 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2020

Appeal Ref: APP/W1525/W/19/3244052

The Bungalow, De Beauvoir Chase, Downham, Chelmsford CM11 1PR

- 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 Joe De'Ath against the decision of Chelmsford City Council.
 - The application Ref 19/01451/FUL, dated 15 August 2019, was refused by notice dated 18 October 2019.
 - The development proposed is the demolition of the existing house and ancillary buildings and erection of two new 2-storey houses with new double vehicle garages.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Chelmsford Local Plan was adopted in May 2020 (the LP). The Core Strategy and Development Control Policies DPD 2001-2021 Adopted 2008 (the CS) was replaced on adoption of the LP. The Council has confirmed in their statement that Policies DC1 and CP1 of the CS as referenced on the decision notice have therefore been replaced by Strategic Policies S1 and S11, and Policy DM6 of the LP. The appellant has had the opportunity to comment on these policies and this decision is therefore determined against the policies of the LP.

Main Issues

3. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt, including the effect on the openness of the Green Belt;
 - Whether the site would be an appropriate location for additional residential development; and
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the 'very special circumstances' required to justify the proposal.

Reasons

Inappropriate development

4. The appeal site lies within the Green Belt. The construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of

- exceptions, as set out in Paragraphs 145 and 146 of the National Planning Policy Framework (the Framework). One such exception, at Paragraph 145(g) is the limited infilling or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development. Policy DM6 of the LP reflects this.
5. It is proposed to demolish the existing bungalow on the site, the ancillary car port, and two other outbuildings and to replace them with two new 4-bedroom, one and a half-storey dwellings with associated works. As such, the proposal forms a complete redevelopment of the site. It is not disputed that the appeal site is previously developed land as defined by the Framework because it includes a residential garden but is in a rural setting and is therefore not in a built-up area.
 6. The site comprises a 3-bedroom bungalow, associated ancillary buildings, and a residential garden. The proposed dwellings would have a noticeably larger volume than the existing development. They would also be one and a half-storeys in contrast to the existing bungalow, and would be noticeably taller, including significant massing at roof level through dormer windows and large pitched roofs. This increase in massing at a higher level would exacerbate the effect of the proposed increase in volume on openness.
 7. The footprint of the proposed dwellings would be noticeably larger than the existing situation and would also spread into currently open areas of the site. The overall amount of hardstanding would be largely the same as existing. The proposed dwellings would consolidate built form to the centre of the site to an extent. However, this is only when comparing to the ancillary buildings to be demolished, which are modest in scale. These factors do not, therefore, mitigate the noticeable increase in built form from the proposed dwellings. Overall, due to the noticeable increase in footprint, volume, massing, and overall built-form on the site, the proposal would have a greater effect on the spatial openness of the site than the existing development.
 8. I acknowledge that the site is surrounded by trees. However, it is visible in glimpsed views from some neighbouring properties, and from the road, particularly through the entrance gates. The proposal would therefore have a greater effect on the visual openness of the Green Belt as well.
 9. I find that the appeal scheme would not meet any of the exception criteria in either Paragraphs 145 or 146 of the Framework or the policies of the LP. Accordingly, the proposal would amount to inappropriate development in the Green Belt. It fails to comply with the relevant parts of Strategic Policies S1 and S11(a), and Policy DM6(a)(vii)(b) of the LP. These policies, amongst other things, seek to protect the openness of the Green Belt and that inappropriate development will not be approved except in 'very special circumstances'.

Location

10. The appeal site is in a rural location. The nearest bus stop is approximately 500m from the site and can only be accessed along a fairly narrow road with no footway or lighting, which would not promote pedestrian or cycle trips to/from the bus stop. The evidence before me is that the bus stop only provides services approximately every 2 hours in any event. It is therefore likely that the majority of the trips made from the proposed dwellings would be

by car. I am not persuaded that societal changes towards internet delivery services would significantly decrease the number of trips.

11. The proposal would therefore be for one new dwelling and one larger, replacement dwelling in an inaccessible location in a rural area. As such, the appeal site would not be in a suitable location for additional residential development. It would conflict with Strategic Policy S1 of the LP which, amongst other things, directs development to well connected locations.

Very special circumstances and the Green Belt balance

12. I note that there is a planning permission¹ for the demolition of the existing house and ancillary buildings, to be replaced by a one-storey bungalow and associated garage, and that this remains extant. I am not aware of any impediment to the construction of the approved works and as such it represents a fallback position. As such, I place moderate weight on the fallback position.
13. The proposed dwellings would have a noticeably larger volume than the fallback development. They would also be one and a half-storeys in contrast to the one-storey fallback bungalow, and would be noticeably taller, including significant massing at roof level through dormer windows and large pitched roofs. This increase in massing at a higher level would exacerbate the effect on openness. The footprint of the proposed dwellings would be noticeably larger than the fallback development. Overall, due to the noticeable increase in footprint, volume, massing, and overall built-form on the site, the proposal would have a greater effect on the spatial and visual openness of the site than the fallback position.
14. It is unlikely that the fallback dwelling, if built, would be further extended using permitted development rights. It has only very recently been granted permission and has a layout that has been purposefully designed and has no obvious requirements for additional space. I have not been provided with any drawings of what form any further extensions might take. I therefore place limited weight on this.
15. The appellant contends that the proposed dwellings would be more energy efficient than the existing bungalow. Whilst I see no reason to disagree in principle, I note that the proposed energy efficiency of the dwellings would only meet policy standards and no particularly innovative methods or high sustainability standards have been proposed. The existing site contains a number of items in the garden area. I am not persuaded that the provision of two dwellings to replace one bungalow would lead to any significant increase in domestic paraphernalia being introduced to the open areas of the site, but nor would it likely lead to a decrease. These issues therefore weigh neutrally in the planning balance.
16. The proposal would provide one additional family-sized dwelling and a replacement dwelling with one more bedroom than the existing. This would make a very modest contribution towards the Council meeting its housing land supply. It would bring temporary economic benefit from the construction process and future occupiers could contribute to local facilities and services.

¹ Ref 19/00045/FUL, granted on 18 March 2019

These factors weigh in favour of the proposal, but the benefits would be limited due to the nature of the proposal.

17. It is common ground between the parties that the proposal would enhance the character and appearance of the site and the area. The proposal is for the replacement of an existing bungalow that has been extended several times and is architecturally discordant. The proposed dwellings are not of exceptional design quality, but they would be harmonious with one another and would be an improvement on the architectural quality of the existing bungalow. The proposal would additionally improve the landscaping surrounding the dwellings. I therefore agree that the proposal would enhance the character and appearance of the site and the area. Paragraph 124 of the Framework sets out that high quality buildings and places are fundamental to the aims of the planning process. However, improvements to the appearance of the site could take place without the appeal scheme in any event. I therefore place moderate weight in favour of the proposal in relation to this factor.
18. The appellant has highlighted an appeal decision, at 72 School Road, and a planning permission, at Field Nurseries, in relation to improved architecture justifying a greater amount of development on a Green Belt site. However, very limited information has been provided regarding either site, with no drawings or decision notices provided. I am therefore not familiar with the full circumstances associated with the determination of either proposal or with what precise relevance they may have to this appeal. As such, I can only give them very limited weight in my determination of this appeal.
19. Paragraph 144 of the Framework directs me to give the harm to the Green Belt by inappropriateness and loss of openness that I have identified substantial weight. I have also found moderate harm due to the site being located in an inaccessible location in a rural area. The moderate benefit from the enhancement to the character and appearance of the area and the limited economic benefits of the proposal do not clearly outweigh the harm that I have identified. Consequently, the 'very special circumstances' necessary to justify the development do not exist.

Conclusion

20. For the reasons above, the appeal should be dismissed.

O S Woodward

INSPECTOR