



Appeal Decision

Site visit made on 16 June 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2020

Appeal Ref: APP/M1595/W/20/3245074

Former Alcakila, Bells Hill Road, Basildon SS16 5JR

- 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 A Ali against the decision of Thurrock Borough Council.
 - The application Ref 19/01555/FUL, dated 14 October 2019, was refused by notice dated 20 December 2019.
 - The development proposed is demolition of outhouse and erection of a new 4 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site address given on the application and Appeal Forms is Oak Tree Cottage, however I note that the Council refer to the site as "Former Alcakila" and the site location plans are labelled with this address. I have also taken into account the third party representations with regard to the correct identification of the site. For the avoidance of doubt I have used the site address used on the Council's decision notice and the appellant's statement of case.
3. I note that there are discrepancies in the submitted plans including the proposed front and rear elevations which do not relate to the submitted floor plans and appear to have been handed. However, I am satisfied that the plans are sufficiently clear to enable the appeal to be determined. If I were minded to allow the appeal this is something on which I would have sought further comments of the parties, including interested parties. However, as I am dismissing the appeal this has not been necessary.

Main Issues

4. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt, including its effect on openness having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the development on the character and appearance of the area,
 - the effect of the proposed development on highway safety,

- if the development is inappropriate, 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 the development.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

5. The appeal site is situated in the Metropolitan Green Belt, located just north of the A13, at the entrance to Bells Hill Road and comprises an overgrown plot with a building located on its southern boundary. The Framework indicates that other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.
6. The Council considers that the development falls to be considered under paragraph 145(g) of the Framework which allows for limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development. Both parties accept that the site comprises previously developed land.
7. Openness can be defined as the absence of built form. The existing building is single storey and of limited width and runs parallel with the southern boundary. The proposed dwelling would be positioned across the frontage of the site and the proposed annexe located towards the rear of the site, resulting in a greater coverage of the site than currently exists. In the case before me the built form and footprint of development would increase significantly above that which currently exists on site. The development would therefore, in spatial terms, have a greater and harmful impact upon the openness of the Green Belt.
8. However, openness also has a visual aspect as well as a spatial one. I note that the proposed dwelling would be set back from the road and is located within a group of residential dwellings. The site is currently screened by extensive landscaping and the frontage fencing restricts views into the site. However, the proposed development would result in the removal of this frontage enclosure and therefore visually the views into the site would be altered significantly. Although the dwelling would be seen within the context of the existing neighbouring dwellings, the proposed dwelling would have a greater visual impact on openness as a result of its overall height and scale. The development would therefore, in visual terms, have a greater and harmful impact upon the openness of the Green Belt.
9. It has been put to me that the development would meet the other exceptions set out within paragraph 145 of the Framework. However, the building is not for agriculture or forestry, nor is it for the provision of appropriate facilities or affordable housing and therefore would not comply with paragraphs 145(a), 145(b) or 145(f).
10. The proposal is not for the extension or alteration of an existing building and therefore does not fall to be considered under 145(c). I accept that there is a building on the site, however it is not being replaced with a building in the same use and in any event the proposed dwelling is materially larger than the building to be replaced and therefore would not comply with paragraph 145(d).

11. Although the appellant has provided photographic evidence to demonstrate how the site was previously developed with a greater number of buildings, I have considered the effect on openness in light of the present situation as I observed on site.
12. Turning to paragraph 145(e) which permits limited infilling in a village. The characteristics of the area which would receive development are a material factor in considering whether the proposal would constitute such limited infilling. However, the wider built context of the site with no development on one side, all lead me to conclude that the development would not constitute the limited infilling in villages which the Framework considers to be not inappropriate development.
13. In not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt, which paragraph 145 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt. The proposal would not comply with policies CSSP4 and PMD6 of the Thurrock Local Development Framework, Core Strategy and Policies for Management of Development, 2015(CS) which both seek to restrict inappropriate forms of development in the Green Belt, which is consistent with the Framework.

Character and appearance of the area

14. The appeal site is located at the entrance to Bells Hill Road, a residential street, with a variety of house types, sizes and styles, although the predominant character is of single and two storey frontage development. Opposite the site is a public house and car park. As such, the pattern of development is not uniform and this contributes to the overall variety of the street scene.
15. Although the immediately neighbouring property Oak Lodge is single storey there are other examples of two storey development further along Bells Hill Road. Therefore, the proposed two storey dwelling would not be at odds with the prevailing scale and form development in the area and as a result I do not consider that its scale would be overly dominant.
16. Whilst the site is located on a corner plot, its southern boundary is parallel with the A13 and there is currently a good degree of landscaping along the verges which are well established. Whilst I note that the screening is not protected by any tree preservation order, it forms part of an established landscaped buffer which extends for some length along the A13. Given its position next to an arterial road, there is no reason to suggest that it would not remain in place in the future. In addition, I consider there is sufficient space along the southern boundary for landscaping to be planted which would soften the appearance of the site. Therefore, I am content that the proposed dwelling would not be visually prominent, taking into account the varied character of the area.
17. As I have set out above the proposed development is compatible with its surroundings and I do not consider there will be any material harm caused to the wider landscape. I conclude that the proposed dwelling would not result in harm to the character and appearance of the area and the development would comply with PMD2 and CSTP22 of the CS which seeks to ensure good design which optimises the potential of the site.

Highway Safety

18. The appeal site would be accessed from the existing access onto Bells Hill Road, which is in close proximity to the A13 exit slip road and would be widened as a result of the proposed development.
19. Bells Hill Road is classified within the CS under policy PMD9 as a Level 3 route, which comprises access roads/streets which provide secondary links to village and large towns forming minor distributors. This is the lowest classification in the road network, however due to the proximity to the junction with the A13, it is suggested that higher level road considerations must be applied.
20. Whilst the access currently exists, it serves an unoccupied plot and therefore it is clear that as a result of the proposed development the use of the access would be intensified, and the plans indicate parking for three cars on site. The close proximity of the access to the junction with the A13 slip road and the limited visibility for vehicles that may turn left onto the side road increases the potential for conflict with vehicles exiting the site to the extent that it would be harmful to highway safety.
21. Planning permission has previously been granted on the site, although I have not been provided with any evidence to suggest that this permission is extant or the circumstances under which the access was considered acceptable for this use, therefore I have given this only limited weight.
22. One of the criteria set out within Policy PMD9 states the increased use of an existing access will only be permitted where there is no possibility of a safer access being achieved. The ability of the appellant to move the access further away from the junction is limited due to the existence of a substation and lighting column. Within Level 1 Routes, which would apply to the A13, the policy states that development served by side roads connecting to a Level 1 route will only be permitted where it can be demonstrated that it will not be adversely affected in terms of highway safety.
23. In conclusion, I consider that the increased use of the access would result in an adverse effect on highway safety, with the potential for conflict with vehicles exiting the A13 onto Bells Hill Road. The development would conflict with policy PMD9 of the Core Strategy which seeks to minimise the increased use of existing access, in close proximity to Level 1 routes. Therefore, I consider that the development would also be contrary to policy 109 of the Framework which advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Considerations

24. I have found no harm to the proposal's effect on the character and appearance of the area, which is neutral in terms of weight. I appreciate that the Framework seeks to ensure that, in general, a positive approach should be taken to development. I have also had regard to the appellant's comments in relation to the five purposes of the Green Belt, set out under paragraph 134 of the Framework. However, the development fails to assist in safeguarding the countryside from encroachment which is also one of the purposes of the Green Belt.

25. I have identified that the scheme would be inappropriate development in the Green Belt as defined by the Framework and result in harm to the openness of the area. It would, by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight. In addition, the development would result in an adverse impact on highway safety, to which I attribute significant weight.
26. As explained above I give only limited weight to each of the considerations cited in support of the proposal which would deliver a new dwelling and lead to the restoration of an overgrown and derelict site. However, I conclude these circumstances do not clearly outweigh the harm the scheme would cause.

Other Matter

27. The site is within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) zone of influence for the Thames Estuary and Marshes SPA and the proposed development falls within the scope of the RAMS as relevant development. However, as I am dismissing the appeal for other reasons, there is no need for me to consider the implications of the proposal on the SPA.

Conclusion

28. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR