The Planning Inspectorate

Appeal Decision

Site visit made on 27 October 2020

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2020

Appeal Ref: APP/H1515/D/20/3248999
Ivy Cottage, Mill Green Road, Fryerning, CM4 0HY

- 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 Stephen Marta against the decision of Brentwood Borough Council.
- The application Ref 19/01469/FUL, dated 20 October 2019, was refused by notice dated 20 December 2019.
- The development proposed is Demolition of existing outbuildings, construction of new outbuilding and alteration and extension of existing dwelling including construction of basement, first floor rear extension, ground floor rear extension, single storey side/rear extension, roof extension and replacement front porch.

Decision

1. The appeal is allowed and planning permission is granted for Demolition of existing outbuildings, construction of new outbuilding and alteration and extension of existing dwelling including construction of basement, first floor rear extension, ground floor rear extension, single storey side/rear extension, roof extension and replacement front porch at Ivy Cottage, Mill Green Road, Fryerning, CM4 0HY in accordance with the terms of the application, Ref 19/01469/FUL, dated 20 October 2019, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: SK1; SK2 Rev D; SK26, SK4 Rev C; SK21 Rev A; SK20 Rev A; and SK22 Rev B.

    3) The materials to be used in the construction of the external surfaces of the extensions to the dwelling hereby permitted shall match those used in the existing building.

    4) No development above existing ground level shall commence until details of the materials to be used in the construction of the outbuilding hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issues

2. The main issues are:

- Whether the proposed development constitutes inappropriate development in the Green Belt,
- Its effect on the openness of the Green Belt,
- The effect of the proposal on the character and appearance of the host building and on Fryerning Conservation Area; and
- Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal constitutes inappropriate development

3. The proposed extension to the dwelling would involve the construction of a basement, ground and first floor rear extensions, a single storey side and rear extension, raising of part of the roof and the replacement of the front porch. An outbuilding is also proposed, following the demolition of existing outbuildings.

4. The National Planning Policy Framework (2019) (the Framework) states that a local planning authority should regard construction of new buildings as inappropriate in the Green Belt. This is subject to the exceptions listed in the Framework which include at paragraph 145 (c) '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'. A further exception at paragraph 145 (d) is 'the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces'.

5. Policy GB1 of the Brentwood Replacement Local Plan (2005) (LP) states that planning permission will not be given, except in very special circumstances for the construction of new buildings or extension of existing building, for purposes other than those appropriate to a Green Belt. Policy GB2 of the LP seeks to ensure that proposals for development do not conflict with the purposes of including land in the Green Belt and do not harm the openness of the Green Belt. However, these polices are aged and pre-date the first publication of the Framework. The Framework directs that policies should be afforded due weight having regard to the degree of consistency with it. There are clear inconsistencies between policies GB1 and GB2 and the Framework, however the broad thrust of the LP policies to protect the Green Belt from inappropriate development is consistent. Overall, I afford them moderate weight.

6. When taken cumulatively, the proposed increase in the floor space resulting from the proposed extensions, including that within the proposed basement, would result in disproportionate additions over and above the size of the original building. Furthermore, whilst the proposed outbuilding would replace other outbuildings within the site, it would be materially larger than those it would replace. In this case both parties agree that the proposed development would constitute inappropriate development in the Green Belt and, having regard to the Framework, I concur with this view.

7. I therefore conclude on this issue that the appeal proposal would be inappropriate development in the Green Belt and, as defined by the Framework, it would be harmful by definition and substantial weight should be given to that harm.

Openness

8. The essential characteristics of Green Belts are their openness and permanence.

9. The proposed first floor rear extension would be above an existing flat roof element and would effectively square off the corner of the dwelling at first floor level. Whilst the roof would be raised slightly, the ridge height would remain lower than the existing two storey gables on the front and rear elevations of the dwelling. The proposed rear extensions are of a modest scale and would be viewed against the profile of the two storey dwelling and would not extend out to the rear significantly beyond the existing more dominant gable element. The proposed side/rear extension would be of a small scale and would be subservient to the main dwelling. Overall, I find that the proposed extensions to the dwelling would not have a material effect on the openness of the Green Belt.

10. The proposed basement would be relatively modest and would mainly be beneath the footprint of the part of the dwelling. Whilst the proposed lightwell would be enclosed by low balustrades, these would not further impact upon the openness of the Green Belt.

11. The proposed outbuilding to the rear of the dwelling would have a relatively low profile. However, due to its overall size and spread, particularly due to the linking element, it would nonetheless have an impact on the openness of the Green Belt, albeit limited.

12. I therefore conclude that overall, the proposed extensions including the basement, would not result in harm to the openness of the Green Belt. Whilst the appeal property is well screened and the proposed outbuilding would be seen in the context of the existing dwelling, it would nonetheless have a harmful effect on openness, although this would be limited. I assign moderate weight to this further harm to the Green Belt.

Character and appearance

13. The appeal site is within Fryerning Conservation Area. The Conservation Area Appraisal and Management Plan confirms that the west side of Mill Green Road has ‘larger houses, including some which are listed, and some rather different buildings, the water tower and Gospel Hall, which are of historic interest.’ Within the extract provided by the appellant, there is no specific mention of Ivy Cottage which is sited adjacent to the water tower. In addition to the historic buildings, the spacious character of this part of the conservation area also adds to its significance.

14. The existing dwelling is not statutorily listed nor does it appear to have been designated by the Council as a ‘Locally Listed’ building. I note that the dwelling has previously been converted and extended over the years to form a single

dwelling and that a recent approval for extensions to the dwelling[1] would, if implemented, further involve the reworking of the internal floorplan. I also observed at my site visit that the dwelling has fallen into a state of disrepair.

15. The Council has raised the particular concern that the basement is not congruous to the period of this building's inception and that the original chambers are of timber frame construction. However, as the building is not listed, or indeed locally listed, and has been considerably altered over the years, I attach only limited weight to this consideration. The proposed basement would largely be beneath the footprint of the dwelling and would only be evident externally due to the low balustrade around the lightwell which would be discretely located to the side of the dwelling. Given the set back of the dwelling from the road and the screening that exists along the boundaries of the site, the lightwell would barely be perceptible from outside of the site. Having regard to these factors I am satisfied that the proposed basement would not have a harmful effect on the character of the host dwelling or on the wider conservation area.

16. The proposed outbuilding to the rear of the site would be significantly larger than the buildings it would replace. The building comprises of two main elements which would be linked by a lower open-sided pitched roof structure. Whilst the spread of the building would be considerable, it would be of a low height and would be positioned towards the rear of the site. The proposed building would be well screened by existing trees and would not be prominent when viewed from outside of the site. Provided it was constructed in appropriate materials I do not consider that it would be harmful to the character and appearance of the conservation area. Furthermore, I do not consider that it would result in the overdevelopment of the plot even when considered cumulatively with the other aspects of the proposal. Moreover, I am aware that the Council have already approved a substantial range of outbuildings at the rear of the property, the largest of which is virtually identical in all respects to the current outbuilding proposed[2].

17. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. However, I find that the proposed extensions, including the basement would not result in harm to the character and appearance of the host dwelling or the Fryerning Conservation Area. Furthermore, the proposed outbuilding would not result in an overdevelopment of the plot and would be appropriate in its scale and appearance to the host dwelling. The outbuilding would not be unduly prominent in the street scene and would not result in harm to the wider Conservation Area. Consequently, the character and appearance of Fryerning Conservation Area would be preserved.

18. In conclusion on this issue, there would be no conflict with Saved Policy CP1 of the Brentwood Replacement Local Plan (2005) insofar as it requires development to be of a high quality and to respect the character and appearance of the area, including the historic heritage of the site. It would also comply with Policy C14 of the LP which requires development to preserve or enhance the townscape character of the area. Furthermore, the proposal would not conflict with the National Planning Policy Framework insofar as it deals with design quality and conservation of historic environments.

[1] LPA ref: 19/00965/FUL
[2] LPA ref. 19/01468/FUL

Other considerations

19. The planning history of the site is of particular relevance to the appeal proposal.

20. The appellant highlights the fact that the Council has recently granted planning permission for alterations and extensions to the dwelling and for outbuildings, which if implemented together, would result in a similar development overall to the appeal proposal.

21. Under LPA ref. 19/00965/FUL planning permission was granted in September 2019 for alterations and extension of the existing dwelling and construction of a replacement outbuilding. The consented extensions are similar to those of the appeal scheme. The main differences are that the appeal scheme includes a basement, a larger single storey rear 'infill' extension and an attached single storey side and rear extension, which is broadly in the same location as the consented outbuilding, although it is slightly larger.

22. The Council also granted planning permission in December 2019 for demolition of existing outbuildings and construction of new incidental residential outbuildings and construction of a brick garden wall under LPA ref. 19/01468/FUL. The consented outbuildings comprised of a building to be used as a home office and a further outbuilding which is virtually identical in terms of its size, siting and design to outbuilding now proposed under the current appeal scheme. The outbuilding comprising of the home office is no longer proposed.

23. Whilst there would be some redistribution of the approved volume of above ground built development between the consented outbuildings and extensions to the dwelling, the appellant maintains that the overall volume above ground would actually be slightly less than that which has been previously approved under the earlier applications referred to above. Furthermore, it is confirmed that the total footprint of the proposed extensions, outbuildings and proposed external lightwell is the same as the total footprint of the proposed extensions and outbuildings which already have planning permission. I also observe that here would also be some benefit in terms of the consolidation the built development with fewer buildings proposed on the site overall. This is a consideration that weighs in favour of the appeal proposal.

Planning balance

24. The planning history of the site and fallback position that it provides is of a magnitude that it weighs heavily in favour of the proposal. Furthermore, whilst I have found that the proposed extensions to the dwelling would result in disproportionate additions over and above the size of the original building, it is relevant that a significant proportion of the additional floorspace would be provided within a basement. As noted above, the external manifestations of the basement are limited, and are restricted to the low balustrades around the lightwell. This leads me to conclude that the basement would not effect the openness of the Green Belt or the purposes of including land within it.

25. I have also concluded that the extensions to the dwelling would not have a materially harmful effect on the openness of the Green Belt. Whilst the proposed outbuilding would have a harmful effect on openness, albeit limited,

this building is virtually identical to one which already has planning permission and as such, is a realistic fallback position for the appellant.

26. I have found that the appeal proposal would be inappropriate development in the Green Belt. Paragraph 143 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 confirms that substantial weight should be given to any harm to the Green Belt.

27. Overall however, my conclusion is that when considered cumulatively, the other considerations clearly outweigh the substantial harm to the Green Belt by way of inappropriateness and moderate harm caused by the limited reduction in the openness of the Green Belt. Looking at the case as a whole, I consider that very special circumstances exist which justify the development. Furthermore, I have found that the proposed would not have a harmful effect on the character and appearance of the host dwelling or on Fryerning Conservation Area.

Conditions

28. In addition to the standard implementation condition, the approved plans condition is imposed for clarity. The conditions I have imposed relating to materials are necessary in order to ensure a satisfactory appearance.

Conclusion

29. For the reasons given, and having regard to all other matters raised, I conclude that the appeal should be allowed.

J Davis

INSPECTOR