
Appeal Decision

Site visit made on 27 October 2020

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2020

Appeal Ref: APP/W1525/D/20/3250332

Basildene, Bishops Stortford Road, Roxwell, Chelmsford CM1 4LP

- 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 Gary Petty against the decision of Chelmsford City Council.
 - The application Ref 19/01919/FUL, dated 19 November 2019, was refused by notice dated 13 January 2020.
 - The development proposed is ground floor, single storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for ground floor, single storey rear extension at Basildene, Bishops Stortford Road, Roxwell, Chelmsford CM1 4LP. The permission is granted in accordance with the terms of the application, Ref 19/01919/FUL, dated 19 November 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 extension hereby permitted shall be carried out in accordance with the following approved plans: 0149PL 001, 0149PL 110 Rev A, 0149PL 111 Rev A, 0149PL 112 Rev A, 0149PL 210 Rev A, 0149PL 211 Rev A, 0149PL 212 Rev B and 0149PL 213 Rev A.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issues

2. As the appeal property is within the Green Belt the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - the effect on the openness of the Green Belt; and
 - if the proposal would be inappropriate development, whether the harm to the Green Belt 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

3. The appeal property is a chalet style bungalow, with one and a half storeys to the front and a single storey element to the rear. It is located in a group of similar property types with frontages on Bishops Stortford Road. While there are other groups of buildings and individual properties dispersed along the road, the area is predominantly open with a semi-rural character and appearance.

Whether the Proposal is Inappropriate Development

4. The National Planning Policy Framework (the Framework) makes clear that the construction of new buildings in the Green Belt should be regarded as inappropriate, with a small number of exceptions¹. One of these is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building².
5. The Council refers on its decision notice to Policies DC1 and DC47 of its Core Strategy and Development Control Policies Development Plan Document. However, since then the Chelmsford Local Plan 2013-2036 has been adopted, on 27 May 2020, and this has replaced the Core Strategy amongst other documents. I am unaware of any equivalent policies in the new Local Plan that replace those from the Core Strategy, which were relied upon by the Council in reaching a decision in this case. For this reason, I have relied on national policy in the Framework as the basis for determining this appeal.
6. The Council indicates that the appeal property as originally built had an internal floor area of approximately 75m². Since then extensions to the side and to create accommodation in the roof space have increased the overall floor area to 118m², a 57% increase in the size of the original dwelling. The extension proposed now would result in a total floor area of 145m², which is 93% greater than the original built form.
7. I agree with the Council that assessing proportionality is primarily an objective test based on size. As such, floor area is not the only possible measure of the degree of change and changes to the original physical size and scale of a building, including the degree of additional bulk or mass, should also be taken into account.
8. The proposal would extend the dwelling's depth beyond the existing rear building line to a limited degree through the addition of a utility room; and would largely infill with a conservatory the space currently occupied by a small rear terrace. The roof profile would be higher than the existing single storey element to the rear, but well below the height of the original dwelling to the front. As such, the extension would not add substantive bulk or mass to the appeal property. While it would add development to the existing single storey extension that is not part of the original dwelling, the overall scale and depth of the resultant changes taken as a whole would not be disproportionate or unbalancing alterations to its original built form. Moreover, given the size of the residential curtilage the extension would not appear as a disproportionate addition in its setting.

¹ Paragraph 145.

² Paragraph 145c).

9. Overall, therefore, even allowing for the earlier alterations, the proposal would be a relatively limited addition that would not add significant bulk, height or depth to the original building. For these reasons, and despite the extent of the additional floorspace, the proposed extension would not result in a disproportionate addition over and above the size of the original building. Therefore, I conclude in accordance with the provisions of the Framework that the proposal would not be inappropriate development in the Green Belt.

Effect on Openness

10. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. However, the effect on openness is implicitly taken into account in the exceptions included in paragraph 145 of the Framework unless there is a specific requirement to consider the actual effect on openness. Therefore, for those exceptions within paragraph 145, including 145c) as in this case, where the effect of the development on openness is not expressly stated as a determinative factor in gauging inappropriateness, and where the development has been found to be not inappropriate development as is the case here, there is no specific requirement to assess the impact of the development on the openness of the Green Belt.
11. Nonetheless, for the avoidance of doubt, I have found above that the proposed extension would not add substantive bulk, mass or height to the appeal property. Moreover, the extension would be contained within a clearly delineated residential curtilage, the majority of which would remain open; and it would not be visible from in front of the host dwelling. As such, there would be no material harm to the Green Belt's openness as a result of additional residential development of the type proposed.

Other Considerations

12. I acknowledge the personal circumstances referred to by the appellant in support of the appeal. However, given the above findings, it is not necessary to consider these matters further.

Overall Conclusion

13. I have found above that the proposal would not be inappropriate development in the Green Belt in accordance with paragraph 145 of the Framework. Moreover, there would be no harmful effects on the openness of the Green Belt. Consequently, there is no conflict with the Framework and so the appeal should succeed.

Conditions

14. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development in accordance with the submitted details, one requiring development to be carried out in accordance with the approved plans. I agree also that a condition requiring the external materials used to match those of the existing building is needed in the interests of the appearance of the host dwelling and wider area.

J Bell-Williamson INSPECTOR