

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/20/3250124

**Brookside, Lower Stock Road, West Hanningfield, Chelmsford, Essex
CM2 8UY**

- 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 & Mrs M Harlow against the decision of Chelmsford City Council.
 - The application Ref 19/01921/FUL, dated 12 November 2019, was refused by notice dated 14 January 2020.
 - The development proposed is single storey front extension to entrance, single storey rear extension, external changes to existing building.
-

Decision

1. The appeal is allowed and planning permission is granted for single storey front extension to entrance, single storey rear extension, external changes to existing building at Brookside, Lower Stock Road, West Hanningfield, Chelmsford, Essex CM2 8UY. The permission is granted in accordance with the terms of the application, Ref 19/01921/FUL, dated 12 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 extensions hereby permitted shall be carried out in accordance with the following approved plans: 2092/5 Rev B and 2092/6 Rev B.
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building, unless shown differently on the approved plans.

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 detached bungalow located on a large plot within a rural area. The surrounding area comprises open countryside with some individual dwellings dispersed along Lower Stock Road.

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 Policy DC1 of its Core Strategy and Development Control Policies Development Plan Document and to Policy CO1 of its emerging Local Plan. 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. The Council indicates that Policy CO1 in the submission version of the plan was deleted and, therefore, is not included in the adopted plan. For this reason, in determining this appeal I have relied on national policy in the Framework.
6. According to the Council the appeal property as originally built had an internal floor area of approximately 54m². Subsequent extensions to the front, side and rear have resulted in a total floor area of 145m², a 165% increase in the size of the original building. The proposed extensions amount to some 74m², giving a total floor area of 219m². This would be 305% larger than the original building. The appellants consider that the total floor area would be some 18m² less than the Council's assessment.
7. Whichever of the parties' calculation is used, in terms of floor area alone, the previous and proposed changes amount to a significant degree of additions to the original building. However, I agree with the Council that assessing proportionality is primarily an objective test based on size. As such, 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 proposed rear extension would be located in a courtyard area behind the property. This is enclosed on two sides by the dwelling's walls and on a third by the western boundary of the residential curtilage. This position means that the development is in effect an infill of a discrete area to the rear of the property. The flat roof and limited height of the extension would result in it being subordinate to the existing dwelling. The extension to the front porch would not significantly alter this existing feature. The previous extensions have clearly created a larger dwelling than the original, but the design of the proposed

¹ Paragraph 145.

² Paragraph 145c).

extensions would not add significant bulk, height or depth to the building. Furthermore, the dwelling is located in a relatively large plot and the increase in overall size would not be disproportionate to this setting. For these reasons, and despite the extent of the additional floorspace, the proposed extensions would not result in disproportionate additions 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

9. 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.
10. However, for the avoidance of doubt, I have found above that the proposed extensions would be subordinate to the appeal property and would not add substantive bulk, mass or height. Moreover, the extensions would be contained within a clearly delineated large residential curtilage; and the larger rear extension would not be readily seen either from in front of the host dwelling or elsewhere due to boundary screening. As such, there would be no material harm to the Green Belt's openness as a result of the proposed development.

Overall Conclusion

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

Conditions

12. 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, unless these are shown differently on the approved plans, is needed in the interests of the appearance of the host dwelling and surrounding area.

J Bell-Williamson
INSPECTOR