



Appeal Decision

Site visit made on 10 November 2020

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2020

Appeal Ref: APP/H1515/D/20/3250362

Flora, Days Lane, Pilgrims Hatch, CM15 9SJ

- 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 Hampton against the decision of Brentwood Borough Council.
 - The application Ref 20/00101/FUL, dated 25 January 2020, was refused by notice dated 20 March 2020.
 - The development proposed is Demolition of rear lean to and replace with single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposed development constitutes inappropriate development in the Green Belt,
 - Its effect on the openness of the Green Belt,
 - 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 proposed development constitutes inappropriate development

3. The appeal concerns a single storey dwelling with a detached garage situated within the Green Belt. It forms one of several residential dwellings that front onto Days Lane. The proposal is for a single storey rear extension, following the demolition of an existing rear lean to.
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'. The 'original building' is defined in Annex 2: Glossary of the Framework as '*A building as it existed on 1 July 1948*'

or, if constructed after 1 July 1948, as it was originally built.’ In line with the Framework, it is therefore necessary to consider whether the proposal would, when taken in combination with any previous additions to the original building, result in a disproportionate addition.

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 policies 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. The Framework does not define what a disproportionate increase in size would be. Furthermore, no such definition is provided within Policies GB1 or GB2 of the LP. Both parties agree that the dwelling has been previously extended through a single storey side extension. The Council estimate that this extension amounted to around 45sqm and that the proposal would add around a further 44sqm, taking into account the demolition of the rear lean-to. Overall, the Council states that the increase in footprint would be around 100% over that of the original dwelling. The appellant has produced alternative figures based on the existing dwelling rather than the original dwelling but nonetheless accepts that the proposal would result in a dwelling that is materially larger. In my judgment the proposed extension when taken cumulatively with the previous addition, would result in a disproportionate addition over and above the size of the original dwelling. Moreover, it would add considerable additional built form to the rear of the dwelling.
7. As such I conclude that the appeal proposal would be inappropriate development in the Green Belt and, as defined by the Framework, harmful and substantial weight should be given to that harm. Furthermore, in this respect, the appeal proposal would not comply with Policies GB1 or GB2 of the LP.

Openness

8. The proposed single storey extension would be located to the rear of the dwelling and would project beyond the existing rear elevation of the house, including the rear lean-to to be demolished. The additional floor area created by the proposal would be significant and would therefore increase the overall bulk of the building. However, the proposed extension would be discreetly sited at the rear of the property and would feature a flat roof which is lower than that of the remainder of the dwelling. It would also be well screened and would not be prominent when viewed from outside of the site. There would nonetheless be an impact on the openness of the Green Belt in spatial terms. Whilst the harm to openness overall would be small, this would be contrary to the Framework where it states openness is an essential characteristic of the Green Belt.

Other Considerations

9. The appellant has highlighted the sustainability benefits of the proposal, including high standards of insulation, a mechanical ventilation system, highly efficient heat recovery system, rainwater harvesting and the use of locally sourced materials. I assign moderate weight to these sustainability benefits.
10. The appellant also quotes several local plan policies although it is not clear which local plan they relate to. I have not been provided with copies of the policies referred to and therefore I am unable to attach weight to them.
11. I concur with the view of the appellant that the proposal would not materially harm the living conditions of the occupiers of neighbouring dwellings and that the proposal does not raise highway safety concerns. I also agree that the design of the extension would not be harmful to the character and appearance of the host dwelling or the surrounding area. Nevertheless, a lack of harm in these respects is a neutral consideration that does not weigh for or against the proposal.

Conclusion

12. Inappropriate development is by definition harmful to the Green Belt, and I have given substantial weight to this. The proposal would also lead to a small loss of openness to the Green Belt. The stated sustainability benefits of the proposal are not sufficient to outweigh the harm the proposed development would do to the Green Belt by reason of its inappropriateness and the harm to openness. Therefore, I conclude that evidence has not been presented to demonstrate that very special circumstances exist to clearly outweigh the harm to the Green Belt. As such the proposal would conflict with the National Planning Policy Framework and Policies GB1 and GB2 of the adopted LP.
13. For the above reasons, I conclude that the appeal should be dismissed.

J Davis

INSPECTOR