

Appeal Decision

Site visit made on 15 December 2020

by Simon Warder MA BSc(Hons) DipUD (Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/W1525/D/20/3262689

Howe Farm, Southend Road, Sandon, Chelmsford CM2 7TW

- 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 Fraser McFarlane against the decision of Chelmsford City Council.
 - The application Ref 20/00990/FUL, dated 30 June 2020, was refused by notice dated 17 August 2020.
 - The development proposed is the described as 'Construction of two storey side extension, single storey side/rear extension and two storey rear extension. Revised application – Changes to single storey side/rear extension. (Previous Ref 20/00143/FUL).'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the existing building;
 - other considerations;
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances necessary to justify the proposal?

Reasons

Whether inappropriate development?

3. The appeal property is a detached two storey dwelling located within the Green Belt as defined under Policy S11 of the Chelmsford Local Plan 2020 (LP). This policy seeks to protect the openness and permanence of the Green Belt and states that inappropriate development will not be approved except in very special circumstances. Policy DM11 of the LP allows for extensions to existing buildings in the Green Belt provided that the extension would not result in disproportionate additions over and above the size and scale of the original building or be out of keeping with its context.
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4. Paragraph 145 of the National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt will be inappropriate unless they fall into specified exceptions. These include the extension of a building, provided that it does not result in disproportionate additions over and above the size of the original building.
5. Neither the Framework nor the LP define 'disproportionate'. However, it is principally a question of size to be measured by indicators such as floor area or volume. They help to establish the scale and bulk of a proposal. The Council gives the internal floor area of the original building as 145 sqm. Previous extensions have taken the floor area to 154 sqm, or a 6% increase.
6. Planning permission has been granted (application reference 20/00143/FUL) for the construction of a two storey side extension, single storey side/rear extension and two storey rear extension. This would take the floor area to 239 sqm or a 65% increase over the original building. The appeal proposal would increase the floor area to 257 sqm, or an increase of some 77% over the original building. The appellant does not dispute these figures.
7. The appellant argues that the appeal proposal amounts to a minor increase in size compared with the approved scheme. Whilst that may be so, the test is whether the proposal represents a disproportionate increase in size over the original building. At some point therefore, even proposals for incremental additions will accumulate to the point where the overall increase in size becomes disproportionate.
8. In this case, the appeal proposal would add a single storey element spanning the full width, and wrapping round one side, of the previously approved extensions. Those extensions would increase the two storey width of the property from 9.9m to 13m and its depth from 7.2m to 10.2m. The rear and one side of the existing building would be, therefore, enveloped by the extensions and the overall size and form of the building would be substantially transformed. Taken together with the 77% increase in floor area, these considerations signify that the appeal proposal would amount to a disproportionate increase over the size of the original dwelling. Consequently, the appeal proposal would be inappropriate development in the Green Belt.

Openness

9. The appeal property sits within a generous plot and there is space to the side and rear of the building to accommodate the proposed extensions without impinging on other buildings. Nevertheless, the proposal would add substantially to the scale and bulk of the building and this would be apparent in views from Southend Road. As such, I consider that the proposal would cause minor harm to the openness of the Green Belt.

Character and appearance

10. The existing building is fairly compact and well proportioned with a distinctive double gabled roof. These qualities would be weakened to a degree by the substantial two storey side and rear extensions, although I recognise that similar extensions have received planning permission. However, the additional single storey side and rear extension would further expand the spread of the building with little regard to its original form. Whilst the proposal would maintain the double gable roof at first floor level on the rear elevation, its

distinctiveness would be undermined by the rear extension whose flat roof, broad lantern rooflight and wide openings would be poorly related to the form and fenestration of the original building.

11. I agree with the Council that the proposed porch and amended windows would be unobjectionable. Nevertheless, overall, I consider that the appeal proposal would have a harmful effect on the character and appearance of the existing building. As such, it would conflict with Policy DM23 of the LP which requires extensions to buildings to be of high quality design, compatible with the character and appearance of the existing building in terms of siting, scale, form and detailing and have visually coherent elevations. Nor would the proposal accord with Framework paragraphs 124, 127 or 130 insofar as they have similar aims.

Other Considerations

12. The appellant has referred to the officer report for an unimplemented permission dating from 2009. It contends that the report acknowledged that the site occupies a semi-rural location and that this should be taken into account when deciding what constitutes proportionate extensions. I have not been provided with the policy background on which that report was based. However, it pre-dates the current Framework and the adopted LP, both of which contain relevant policies on extensions to buildings in the Green Belt. My decision is based on the tests set out in those policies.
13. I have already dealt with the appellant's points regarding the minor increase in floor area and the claimed improvements to the appearance of the building as a result of the appeal proposal compared with the approved scheme.

Green Belt Balance

14. I have found that the appeal proposal would be inappropriate development in the Green Belt. Framework paragraph 143 advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have also found that the proposal would result in a minor loss of openness. Paragraph 144 confirms that substantial weight should be given to any harm to the Green Belt.
15. I have also found that the proposal would be harmful to the character and appearance of the existing building.
16. Overall, I find that the other considerations in this case do not clearly outweigh the Green Belt and other harm. Looking at the case as a whole therefore, I consider that the very special circumstances necessary to overcome the Green Belt harm have not been demonstrated. The proposal, therefore, conflicts with LP Policies S11, DM11 and DM23 and Framework paragraphs 124, 127, 130, 143, 144 and 145.

Conclusion

17. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR