

Appeal Decision

Site visit made on 15 December 2020

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2021

Appeal Ref: APP/B1550/D/20/3260454

The Haven, Lambourne Hall Road, Canewdon, SS4 3PG

- 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 Mrs Young-Harry against the decision of Rochford District Council.
 - The application Ref 20/00395/FUL, dated 24 April 2020, was refused by notice dated 9 July 2020.
 - The development proposed is demolition of existing garage and replace with a side extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has provided a new plan which proposes a different form of development to that applied for. It is not a plan that was consulted upon and is not the plan that the Council based its decision upon.
3. The appellant sets out a fallback position, whereby the existing garage might be converted into habitable accommodation by virtue of permitted development. This would result in a form of development different to that the subject of this appeal.

Main Issues

4. The appeal site is within the Green Belt and the main issues are:
 - whether the proposal would be inappropriate development for the purposes of Section 13: Protecting Green Belt land of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the proposal on the openness of the Green Belt and on the character and appearance of the area;
 - if the development is inappropriate, whether the harm 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 the development.
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Reasons

Whether the proposal would be inappropriate development

5. The appeal property is a detached chalet bungalow. It is located along Lambourne Hall Road, which in this area appears as an unpaved but lit country road in the Green Belt.
6. The surrounding area is rural in character. Whilst there are two small bungalows opposite the appeal property and a scattering of dwellings further afield, the area is dominated by the presence of large agricultural fields, hedgerows and occasional trees. Consequently, the area has a predominantly green and open character.
7. A public footpath runs directly along one side of the appeal property, close to the double garage the subject of this appeal. The garage is attached to the dwelling and its low flat roof and simple, garage-like form result in a modest, ancillary appearance. I noted during my site visit that this is in keeping with the presence of other ancillary buildings and features associated with other buildings in the area.
8. The property itself is set back from the road behind a parking area and has a long garden to the rear. Dense greenery forms a boundary to the appeal property's eastern boundary and along part of its frontage to Lambourne Hall Road.
9. During my site visit, I observed that the totality of the extensions to the appeal property combine with white render to result in a dwelling that draws attention to itself from the views of it available to the public. It is for example, strikingly visible from the adjacent public footpath and from the access to/from Lambourne Hall Road.
10. The appeal property, like other properties in the area, has been extended over time. Both the appellant and the Council agree that the proposal would fail to comply with the 25% threshold referred to in Development Management Plan¹ Policy DM17. This Policy seeks to prevent extensions of dwellings in the Green Belt that it would result in more than a 25% increase in the internal floorspace of the original dwelling.
11. Development Management Plan Policy DM17 reflects Paragraph 145 of the Framework, which seeks to prevent the extension or alteration of a building that results in disproportionate additions over and above the size of the original building.
12. It is proposed to demolish the garage and replace it with a new extension. This would result in an extension that would be larger than the garage it would replace, including provision for a new internal living area with sufficient headroom for occupants.
13. Rather than continuing to appear ancillary to the main accommodation, the proposed extension would appear as a significant residential extension to the main dwelling, a factor emphasised by the proposed fenestration and roof. It would replace a simple, low flat-roofed structure with a taller and larger

¹ Reference: Rochford District Council Local Development Framework Development Management Plan (2014).

development that would clearly appear as an extended part of the main living accommodation. The combined effects of increased scale and the “extended living accommodation” appearance of the proposal would, I find, result in the appeal property appearing more prominently in its surroundings.

14. Taking all of the above into account, I find that the proposal would comprise a disproportionate addition over and above the original size of the property and that the proposal would therefore comprise inappropriate development in the Green Belt.

15. Paragraph 143 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness and character and appearance

16. Openness is an essential characteristic of the Green Belt. The proposed development would add built volume to the appeal property. It would fill an existing space to the side of the house and would thus reduce the openness of the Green Belt, albeit to a small degree, but it would also do so in a way which would result in an already-extended property appearing more prominent in its surroundings. I consider that this would result in the proposal drawing attention to itself and that this would increase the impact of the loss of openness arising.

17. I also note in respect of the above that the proposed development would take place in one of the most widely visible areas of the appeal site, at the side of the appeal property closest to a public right of way.

Other considerations

18. I have identified harm to the Green Belt. The appellant, in support of her case, considers that the fallback position of converting the existing garage in a way that would result in poor quality development comprises a very special circumstance that outweighs the harm to the Green Belt arising from this proposal.

19. However, there is no requirement for the appellant to undertake poor quality development and whilst permitted development is precisely that, the proposal the subject of this appeal does not comprise permitted development.

Conclusion

20. The proposal would comprise inappropriate development, which is, by definition, harmful to the Green Belt. Whilst there would be minimal harm to local character, there would be harm to openness and this is a factor to which I afford considerable weight. There are no very special circumstances that outweigh the totality of the harm arising.

21. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR