The Planning Inspectorate

Appeal Decision

Site visit made on 11 December 2020

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2021

Appeal Ref: APP/M1595/D/20/3259905
Lilly Cottage, Kirkham Road, Horndon-On-The-Hill, Stanford-Le-Hope, SS17 8QE

- 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 Andy Ramkissoon against the decision of Thurrock Borough Council.
- The application Ref 20/00595/HHA, dated 19 May 2020, was refused by notice dated 19 August 2020
- The development proposed is the demolition of the existing conservatory and the erection of single storey side and rear extensions with rooflights.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   (i) whether the proposal would be inappropriate development for the purposes of section 13 of the National Planning Policy Framework (2019) and development plan policy;

   (ii) the effect of the proposal on the openness of the Green Belt; and

   (iii) if the proposal is inappropriate development, 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.

Reasons

Whether the proposal would be inappropriate development

3. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt is inappropriate. A number of exceptions to this are identified including proposals comprising 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 the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. In other words, it is the building as it currently exists minus any additions to it since 1948 or when it was constructed, if after 1948. In the

context of Paragraph 145 "original" cannot relate to a building that no longer exists.

4. The appeal property is a 3-bedroom bungalow with a conservatory to the rear. The building is of relatively recent construction and the information before me indicates that it occupies part of the footprint of a former stables building, a small part of which still exists to the side of the dwelling. Planning permission[1] was granted in 2017 for the erection of a conservatory at the rear of the bungalow which indicates that this element was added after the completion of the bungalow. The evidence before me indicates therefore that the bungalow, prior to the addition of the conservatory, is the original building for the purposes of paragraph 145.

5. The proposal would comprise the removal of the conservatory and the stables building and the erection of rear and side extensions. The new elements would be significantly larger than the elements removed and would result in a much larger dwelling.

6. For these reasons I conclude that the proposal would result in disproportionate additions to the appeal property over and above the size of the original building. The proposal is therefore contrary to paragraph 145 of the Framework. For these reasons it would be inappropriate development that is, by definition, harmful to the Green Belt. I attribute substantial weight to this.

Openness of the Green Belt

7. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.

8. The proposal would, due to its volume and bulk, reduce, and therefore cause harm to, the openness of the Green Belt. It therefore also conflicts with the Framework in this respect, a matter to which I also attribute substantial weight.

Other considerations

9. I turn now to consider whether there are any considerations sufficient to clearly outweigh the harm identified above in respect of inappropriateness and openness. Very special circumstances to justify inappropriate development will not exist unless the harm is clearly outweighed by other considerations.

10. The appellant has referred to a 2011 planning permission (ref: 11/00125/FUL). There is no evidence before me that this permission remains live and capable of being implemented in accordance with the drawings approved and therefore I attribute limited weight to it. Similarly, aspects of the planning history of the site and wider area prior to the creation of the appeal property attract limited weight.

Green Belt balancing exercise

11. The other considerations do not amount to matters that clearly outweigh the substantial harm to the Green Belt which I have identified in respect of the proposal's inappropriateness and effect on openness. Very special

[1] Reference 17/00367/HHA

circumstances to justify inappropriate development do not therefore exist. The proposal is therefore contrary to the Framework and Policy PMD6 of the Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015), which states that the extension of a building must not result in disproportionate additions over and above the size of the original building.

12. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR