



Appeal Decision

Site visit made on 15 February 2021

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2021

Appeal Ref: APP/W1525/D/20/3263165

Foxearth, Brock Hill, South Hanningfield, Chelmsford, SS11 7PD

- 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 Lucas against the decision of Chelmsford City Council.
 - The application Ref 20/01262/FUL, dated 10 August 2020, was refused by notice dated 26 October 2020.
 - The development proposed is single storey side extensions.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development constitutes inappropriate development in the Green Belt,
 - Its effect on the openness of the Green Belt,
 - Its effect on the character and appearance of the area,
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal constitutes inappropriate development

3. The appeal concerns a detached chalet style dwelling located within the Green Belt. The proposal is for a single storey flat roof side extension with a roof lantern and a side extension with a pitched roof and roof lights which would extend the existing ridge of the dwelling. No accommodation is proposed at first floor level.
4. Policy DM6 of the Chelmsford Local Plan 2013-2036 (adopted May 2020) (LP) seeks to control new building in the Green Belt and states that inappropriate development will not be approved except in very special circumstances. It does allow for certain exceptions including 'extensions or alterations to buildings in accordance with Policy DM11'. 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; and be out of keeping with its context and surroundings or result in any other harm.

5. The National Planning Policy Framework (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 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 (paragraph 145c). In line with the Framework and Policy DM11, 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.
6. Neither the Framework nor the policies within the LP define what a disproportionate increase in size would be. Floor area is one indicator of size and the Council state that the original dwelling had a floor area of about 110.7sqm. The appellant does not dispute this. The Council state that a previous application in 2004¹ for a roof conversion with existing/ rebuilt roof, with dormers and new porches resulted in an increase in floor area over the original dwelling of about 71%. Whilst I acknowledge that some of this floor area was within the existing roof space and thus had a lesser impact on the Green Belt, the extensions and alterations did nonetheless add to the size and scale of the original dwelling.
7. The Council estimate that the proposed extensions would add about a further 47.3sqm to the dwelling. The proposed extension closest to the road frontage would increase the width of the dwelling by 3.3m. The extension would be the same height of the existing dwelling, with the ridge of the dwelling extended out almost to the side boundary of the site. This extension would result in a significant increase in bulk and mass and spread of built form.
8. The side extension forming a dining room would have a flat roof and would effectively round off the corner of the dwelling. It would be set in from the side boundary and whilst it would add further floor area, it would have less impact on the overall scale of the dwelling.
9. In my judgment, the proposed development, when taken in combination with the previous extensions and alterations, would result in a disproportionate addition over and above the size of the original dwelling. As such I conclude that the appeal proposal would be inappropriate development in the Green Belt and, as defined by the Framework, substantial weight should be given to that harm. Furthermore, in this respect, the appeal proposal would not comply with the requirements of Policies DM6 and DM11 of the LP.

Effect on openness

10. The essential characteristics of Green Belts are their openness and permanence. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect.
11. The proposed extension closest to Brock Hill would extend out almost to the side boundary of the site and would add considerable bulk and mass to the dwelling. By extending out to the side boundary, the gap between the dwelling

¹ LPA ref. 04/01953/FUL

and the neighbouring property would be diminished thereby reducing spaciousness. This would be clearly evident from Brock Hill due to the relatively open frontages and lack of substantial screening. The overall impact of the extension would be accentuated by the long ridge line evident from the front elevation and the prominent side gable. The extension that is set deeper into the plot would be visible from Brock Hill but would appear less harmful due to its relationship with existing built form and the increased distance from the side boundary of the plot.

12. Overall, there would be an impact on openness in both spatial and visual terms as a result of the proposal. 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.

Character and appearance

13. The proposed extensions would generally be in keeping with the design and external appearance of the host dwelling.
14. The surrounding area comprises of several dwellings that front onto Brock Hill. These dwellings are generally located within deep plots and are surrounded by open countryside.
15. Whilst the proposed extensions are in keeping with the design and appearance of the host dwelling, by extending out to the side boundary of the site and reducing the space between the appeal property and the neighbouring dwelling, there would be a loss of spaciousness which would be at odds with and harmful to the rural character and appearance of the area. This leads me to conclude that the proposal would be contrary to the Framework which states that planning decisions (among other things) should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Conclusion

16. Inappropriate development is by definition harmful to the Green Belt. In this case there is also harm to the openness of the Green Belt and to the character and appearance of the area. There are no other considerations of sufficient weight to outweigh the substantial weight that must be given to any harm to the Green Belt. Therefore, the very special circumstances needed to justify the proposal do not exist. As such the proposal would conflict with the Framework and Policies DM6 and DM11 of the LP.
17. I therefore conclude that the appeal should be dismissed.

J Davis

INSPECTOR