

Appeal Decision

Site Visit made on 16 February 2021 by Emma Worby BSc (Hons) MSc

Decision by R C Kirby BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2021

Appeal Ref: APP/M1595/D/20/3263585

Martins Cottages, Church Lane, Bulphan RM14 3TS

- 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 L Darby against the decision of Thurrock Borough Council.
 - The application Ref 20/00813/HHA, dated 29 June 2020, was refused by notice dated 24 September 2020.
 - The development proposed is a two storey rear extension, alterations to windows and front canopy.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The description of the development proposed has been taken from the appeal form rather than the application form, as it is a more accurate description of the works proposed as shown on the plans submitted.

Main Issues

4. The main issues in the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - The effect on the openness of the Green Belt; and
 - Would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether it is inappropriate development

5. The appeal site, containing a two storey detached dwelling and a detached garage, is located in a rural area within the Green Belt. The proposal would replace an existing single storey extension to the rear of the property with a

larger two-storey extension and also include an open porch to the front and window alterations.

6. Paragraph 145 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. These exceptions 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. This is the only exception within paragraph 145 which is relevant to the proposed development. Policy PMD6 of the Core Strategy and Policies for Management of Development (2015) (CS) is similarly worded and is consistent with the Framework's approach.
7. There is no definition of disproportionate development within the Framework. Policy PMD6 indicates that, in the case of residential extensions, any extensions to the original dwelling which would be larger than two reasonably sized rooms or any equivalent amount would be disproportionate development. Guidance in this regard is contained within the Residential Alterations and Extensions Supplementary Planning Document (2017), however neither party has provided calculations in this regard and I have therefore made my assessment on the basis of the evidence before me.
8. The appellant indicates that the proposed extension would increase the floor space of the existing dwelling from 189m² to 285.5m². The existing single storey extension to the rear would be removed to allow for the construction of the proposed two-storey extension.
9. For the purposes of Green Belt policy, the existing dwelling is not the original building, however. The Framework indicates in its glossary that 'original building' is a building as it existed on 1 July 1948, or if constructed after 1 July 1948, as it was built originally. The Council have stated that the original dwelling had a floorspace of 114.86m² and therefore the proposal would result in the original dwelling being extended by around 170m², excluding the garage.
10. I consider that the proposed addition, which would be over double the size of the original dwelling, would be a substantial addition, significantly increasing its bulk and mass and accordingly would be disproportionate to the size of the original building, contrary to the general principles of Policy PMD6 of the CS. Therefore, it would comprise inappropriate development within the Green Belt.
11. Inappropriate development is, by definition harmful to the Green Belt and in accordance with paragraph 144 of the Framework, should be given substantial weight.

Openness

12. Due the positioning of the extension to the rear of the dwelling, the proposal would have limited visibility from the public realm and therefore limited visual impact on the openness of the Green Belt. However, the size and scale of the extension would be substantial and would result in some spatial impact on the openness of the Green Belt.
13. The appellant has indicated that the proposal would be screened from the fields to the north and east of the site and so the impact on openness would be minimal and that the generous spacing around the dwelling would be retained. However, although landscaping may protect some views into the site and the ample size of the site is able to accommodate the extension, the absence of

visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Whilst the effect on openness would be localised, harm to the Green Belt would result.

Other Considerations

14. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
15. The proposal would be inappropriate development in the Green Belt and it would also be harmful to the openness of the Green Belt. In line with paragraph 144 of the Framework, I attach substantial weight to this harm to the Green Belt.
16. The appellant states that the proposal would improve the dwelling to provide a good quality, well-proportioned family home. However, this is not a public benefit and therefore can only be given minimal weight. The Council have agreed that the design of the proposal would not impact upon the character and appearance of the area and the appellant has highlighted that the extension would match the prevailing style, design, materials and height to better suit its surroundings. This lack of harm to the character and appearance is a neutral factor in my consideration of this case.
17. Extensions to the property, which could be carried out under permitted development rights, have been brought to my attention. These include single storey extensions to the side elevations and a two-storey rear extension which would be smaller than the current proposal. This would create a total floorspace of 284m², which is similar in size to the floorspace of the proposed development. The extensions permissible under permitted development would create a dwelling with a greater overall volume and would have a greater impact on the view from the road than the proposed development.
18. However, although less visible within the streetscene, the proposed two-storey extension would appear as a larger and a more imposing structure on the original dwelling than the extensions allowed under permitted development rights. Furthermore, no evidence has been provided to show the intention of the appellant to carry out these works should the appeal not be successful. Therefore, this is given moderate weight.
19. Other benefits such as the provision of an energy efficient building, the employment of local labour during construction and the retention of trees and landscaping on the site have been raised by the appellant. These are given moderate weight.
20. The appellant has made several comments relating to the benefits of providing new dwellings on a brownfield site. However, as the proposal is for an extension to an existing dwelling only, these are not relevant to the appeal before me and cannot be afforded any weight.

Green Belt Balance, Conclusion and Recommendation

21. I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the

proposal conflicts with policy PMD6 of the CS which seeks to protect the Green Belt, along with the Green Belt objectives of the Framework.

22. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR