



Appeal Decision

Site Visit made on 6 April 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th April 2021

Appeal Ref: APP/H1515/D/20/3259990

Fiesta, Hulletts Lane, Pilgrims Hatch, Brentwood, CM15 9RX

- 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 Mark Hicks against the decision of Brentwood Borough Council.
 - The application Ref 20/00470/HHA, dated 11 April 2020, was refused by notice dated 3 July 2020.
 - The development proposed is extension to detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether 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 area, including the setting of Hulletts Farmhouse, a Grade II listed building;
 - 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.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. The appeal site is situated in the Metropolitan Green Belt. The National Planning Policy Framework ('the Framework') indicates (para 145) that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.
4. Policies GB1 and GB2 of the Brentwood Replacement Local Plan 2005 (LP) restrict development within the Green Belt, except in limited circumstances. However, the policies predate the Framework and therefore I have given the policies limited weight as a result of its more limited list of exceptions, such that they have not altered my overall decision.
5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state

that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. One of the exceptions cited is the extension of a building provided that it does not result in disproportionate additions over and above the size of the 'original building'. However, assessing proportionality is primarily an objective test based on size.

6. The proposed first floor side extension would be in line with the original front wall of the host dwelling, but set back from the proposed front extension. It would maintain the ridge height of the original dwelling with a hipped roof. The proposed rear extension would extend beyond the width of the original dwelling at ground floor but would be set in at first floor. In combination the proposal would not be subservient to the host property. This is further compounded by the alterations to the existing roof which results in an incongruous roof form when compared with the neighbouring property, which would have originally been of a similar design and appearance.
7. Comparing the original building to the one that would result if the proposal were to go ahead, I consider that the outcome would be disproportionate when considered against the original dwelling. It would therefore be inappropriate development which is, by definition, harmful to the Green Belt.
8. In not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt, which paragraph 143 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para 144 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt.

The effect of the proposal on the openness of the Green Belt

9. Paragraph 133 of the Framework identifies that openness is one of the essential characteristics of Green Belts, along with permanence. The Courts have confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect. This means that 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, but equally this does not mean that the openness of the Green Belt has no visual dimension.
10. In this instance the effect of the cumulative increased size of the host dwelling would clearly be experienced both visually and spatially, although due to the extension being located near to other residential properties this impact would be localised and limited. However, in this respect even a limited adverse effect on openness would contribute to the overall harm to the Green Belt. For this reason, the proposed development would compromise the openness of the Green Belt, in that it would be reduced. Whilst the loss of openness would be limited, harm to the Green Belt would occur. This matter carries modest weight in this site-specific circumstance.

Character and appearance

11. The appeal site sits as part of a pair of residential dwellings, with additional residential development further along Hulletts Lane and therefore the proposal would be seen within the context of these existing neighbouring dwellings. The area has appreciable qualities in terms of its rural character with the

extent of the attractive open countryside to the rear of the appeal site. These are important contributing factors to the character of the area.

12. The proposed alterations to the dwelling would increase its overall scale and appearance and result in a dwelling markedly different in appearance to its neighbour. The design and appearance of the appeal site and its neighbour, despite some modernisation of the front elevation of the neighbouring property, are indicative of properties being constructed at a similar time and together they form a cohesive group.
13. Notwithstanding the existence of other approved development within the vicinity of the appeal site, the factors outlined above weigh somewhat against the proposal.
14. It follows that the proposed alterations to the dwelling would result in a loss of this cohesiveness and overall the proposed development would represent an unduly dominant and highly discordant feature, and would have a significant adverse effect on the character and appearance of the appeal site and its surroundings. The development would conflict with policy CP1 of the LP which seeks to ensure that development would not have an unacceptable detrimental impact on visual amenity, or the character and appearance of the surrounding area.

Setting of Listed Building – Hulletts Farmhouse

15. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses, when dealing with planning applications. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be.
16. I have considered the effect on the Grade II Listed Building Hulletts Farmhouse which is within the vicinity of the site. Hulletts Farmhouse is visible across the fields from the rear garden of the site but its significance is derived from its architectural features and it is contained within its own landscaping, as such, even developed, the site would not have a significant impact on how the listed building would be appreciated or the elements that form its setting. Therefore, I conclude that the development would not result in harm to the setting of Hulletts Farmhouse and there is no conflict with policy C16 of the LP which seeks to ensure development within the vicinity of a Listed Building would not detract from its character or setting. The lack of harm is a neutral in the balance.

Other Matters

17. I note the appellants' comments in relation to the siting of the extension not resulting in a stand alone structure and the use of matching materials and opportunities for soft landscaping to be secured by condition exist. However, it would not, as the appellants argue, represent an enhancement, and this therefore represents a neutral factor in any assessment.

Green Belt Balance and Conclusion

18. Very special circumstances 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.
19. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in limited harm to the openness of the Green Belt and a significant adverse effect, resulting in moderate harm, to the character and appearance of the area. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt. On the other hand, the other considerations I have identified are of limited weight in favour of the proposal.
20. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist. The proposal is therefore contrary to Policy GB1 and GB2 and the Framework.
21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR