



Appeal Decision

Site visit made on 16 March 2021 by Thomas Courtney BA(Hons) MA

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2021

Appeal Ref: APP/V1505/D/20/3263757

Maple Lee Farm, Dunton Road, Dunton, Basildon, CM13 3SH

- 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 William Nichols against the decision of Basildon Borough Council.
 - The application Ref 20/01163/FULL, dated 11 September 2020, was refused by notice dated 26 October 2020.
 - The development proposed is the demolition of single storey front extension and provision of a two-storey side extension to match existing property.
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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.

Main Issues

3. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt; and
 - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether the development would be inappropriate development

4. Paragraph 145 of the NPPF states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One exception is 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.
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5. In this case, the appeal relates to a dwelling which replaced the original building in the early 90s. In relation to buildings constructed after 1 July 1948, the definition of 'original building' in the Glossary to the revised NPPF does not expressly deal with replacement dwellings. Whilst the Council opines that the building known as 'Maples Farm', which formerly occupied the appeal site, should be considered the original building, in my view, it is not unreasonable to consider that the replacement dwelling itself, as originally built, should form the baseline against which the proposed extensions should be measured.
6. Saved policy BAS GB4 of the Basildon District Local Plan (the 'Local Plan') and emerging policy BAS GB5 of the Basildon Borough Revised Publication Local Plan (the 'draft Local Plan') are broadly consistent with the NPPF in that they allow for proportionate alterations and extensions to buildings in the Green Belt. There is however a difference in approach allowing for the definition of 'size' between the methodology used in saved policy BAS GB4 which states that dwellings will be allowed to extend to 90 sqm or by 35 sqm over and above the original floor area of the dwelling and the absence of such a defined way of assessing and measuring proportionality in emerging policy BAS GB5 and the NPPF. Nevertheless, and whilst I have had regard to the appellant's contention regarding previous application of the policy, I do not find there to be any justification to discard the methodology used within policy BAS GB4 of the development plan in this instance.
7. The appellant states that the proposal would result in an aggregate increase in floorspace of 48.8 sqm over the existing building whilst the Council considers that the proposal would amount to an increase of 50.6 sqm or a 35.6% increase in floorspace over the existing dwelling. Despite the variation between the figures, both would exceed the limitations of saved policy BAS GB4. Turning to national guidance on measuring 'proportionality', the NPPF refers to 'size'. This can, in my view, refer to volume, height, external dimensions, footprint, floorspace or visual perception. In this case, the substantial increase in floorspace and width of the dwelling at first floor level would result in considerably greater visual bulk. Therefore, I find that the scale of the extensions would subsume the original dwelling and would be disproportionate.
8. On the basis that the proposed extensions would result in disproportionate additions over and above the size of the original dwelling, I therefore find the proposal would be inappropriate development in the Green Belt and would conflict with Paragraph 145(c) of the NPPF, as detailed above, saved policy BAS GB4 of the Local Plan, and emerging policy BAS GB5 of the draft Local Plan, which together seek to resist inappropriate development in the Green Belt.

Openness

9. Openness is identified in the NPPF as one of the Green Belt's essential characteristics. The increased volume and bulk as a result of the extensions would have an adverse effect on the openness of the Green Belt in a spatial sense. Furthermore, whilst the extension would harmonise with the existing dwelling through the use of similar materials, the inclusion of dormer windows and a steeply pitched chalet-like roof form, it would fail to appear as a subordinate extension. Indeed, the expansion of the roof ridge by approximately 6m would be unacceptably excessive and conspicuous.
10. The increased width of the dwelling at double-storey height, plus the prominence of the dwelling in the street scene, means the proposal would also

have a greater visual impact on the openness of the Green Belt when seen from Dunton Road and the open countryside to the west. Whilst I note there are mature trees within the front garden which offer a degree of screening, the resultant dwelling would nonetheless be easily visible from the road given the large gaps between the trees and the substantial scale and height of the extension. The spatial and visual impact on openness would result in limited harm to the Green Belt.

11. Substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. I therefore need to consider whether any other harm is caused by the development and then balance the other considerations against the totality of that harm.

Other considerations

12. The NPPF states that inappropriate development should not be approved except in very special circumstances, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this regard, I have not been provided with any other considerations which would weigh in favour of the development.

Planning Balance and Overall Conclusion

13. I consider that the development causes harm to the Green Belt by way of its inappropriateness and to its openness, and substantial weight should be given to these harms. I conclude that there are no other considerations that clearly outweigh the harms and therefore there are no very special circumstances to justify the development. Consequently, the development conflicts with Paragraph 145(c) of the NPPF, saved policy BAS GB4 of the Local Plan, and emerging policy BAS GB5 of the Basildon Borough Revised Publication Local Plan which together aim to protect the Green Belt from inappropriate development.

Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

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

Martin Seaton

INSPECTOR