
Appeal Decision

Site visit made on 4 May 2021

By K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 19 May 2021.

Appeal Ref: APP/V1505/D/20/3263472

St Helena London Road Vange Basildon SS16 4PX

- 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 Mrs Julie Coll Fleming against the decision of Basildon Borough Council.
 - The application Ref. 20/00773/FULL, dated 1 July 2020, was refused by notice dated 28 September 2020.
 - The development proposed is front, side and rear extensions.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council amended the description of the development and I note that the appellant's agent has also utilised this description on the appeal form. I have used the Council's description of the development as this provides a more succinct description.
3. The appellant has suggested that the use of skylights in lieu of obscure glazing can be considered to overcome the issues of overlooking raised by the Council. No plans have been submitted showing this option, nor is it one that has been considered by the Council nor subject to any form of consultation. As such I have not considered this option and I will base my decision on the plans assessed by the Council during the original planning application.

Main Issues

4. The main issues in this appeal are as follows:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') and any relevant development plan policies;
 - The effect of the proposal on the openness and character of the Green Belt;
 - The effect of the proposal on the living conditions of the occupants of the neighbouring property in terms of outlook and dominance and any loss of light, and privacy;

- 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 necessary to justify the development.

Reasons

Inappropriate Development

5. The Framework states that the construction of new buildings is inappropriate development within the Green Belt unless the development falls within one of a number of specified exceptions. These include the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. Saved Local Plan Policy BAS GB4¹, whilst it predates the Framework, aims to restrict inappropriate development within the Green Belt in line with National Planning Policy.
6. Local Plan Policy BAS GB4 quantifies matters further by allowing extensions to dwellings to extend to 90 square metres or by 35 square metres over and above the original floor area of the dwelling, and subject to criteria set out within the policy. The Framework requires that assessment of whether an addition is disproportionate is made with reference to the original building. Annex 2 of the Framework defines original building as the property as it existed on 1 July 1948 or if constructed after 1 July 1948 as it was built originally,²(the relevant date). It is accepted by both parties that the appeal property, St Helena, (St Helena) has been previously extended, although there is a dispute as to the floor space of both the original building and the respective extensions. Nor is there any information before me as to whether these extensions formed part of the building as at the relevant date.
7. The Framework does not detail what a disproportionate addition means, nor does it set out any volumetric or other standards. My own observations on site indicate that St Helena is highly likely to have been a much smaller original building at the relevant date. Be that as it may, even if I were to accept the appellant's case on the floor space of the original building, the proposed extensions would be sizeable additions to the building which would increase its mass and scale. In my view they would amount to disproportionate additions to the original building. As such the proposed development would amount to inappropriate development within the Green Belt which is by definition harmful and should not be approved except in very special circumstances. The proposal would also conflict with Saved Policy BAS G4, insofar as it seeks to restrict the size of extensions within the Green Belt.

Openness

8. The essential characteristics of the Green Belt are their openness and permanence. Whilst the proposal involves the demolition of garages, there would nonetheless be an increase in the level of built development in this location. The proposed scheme would result in a more sizeable building and across a larger footprint. As such the proposed development would have an adverse effect on the openness of the Green Belt leading to an inevitable reduction in openness in this location. This would represent harm to one of the Green Belt's essential characteristics as defined in the Framework.

¹ Basildon District Local Plan Saved Policies September 2007

² Annex 2 Glossary, National Planning Policy Framework

9. There is a visual aspect to openness. I take account of the fact that part of the extension is towards the rear of the property where public views are limited. Whilst designed to give symmetry to the front appearance of St Helena, the introduction of a gable flank wall to the right side of the property would increase its scale considerably and would be visible from the highway. There would be a small gap between St Helena and the neighbouring property but the limited extent of this gap would have a marginal effect on this sense of scale.
10. I conclude overall that the proposed development would amount to inappropriate development within the Green Belt. It would also harm openness. Whilst the harm would be small in the context of the Green Belt as a whole, the Framework is clear that substantial weight should be given to any harm in the Green Belt. The proposal would also conflict with Saved Policy BAS G4, details of which I have already given.

Living Conditions

11. The depth and massing of the proposed side extension projecting to the rear of St Helena, visible and close to the boundary with the neighbouring property, Penwith, would have an unacceptable overbearing and domineering effect for the occupants of that property. I appreciate that at present garages and shrubs run along part of this boundary and that its depth would be in alignment with that of its other neighbouring property. However, the long flank wall of the extension, would dominate the outlook when viewed from the rear rooms of Penwith. Window openings would help break up the mass of this extension and there would be no increase in height from that of the existing garages. Nonetheless, the proposed extension would result in a dominant continuous mass on the boundary resulting in a detrimental overbearing effect on the amenities of the occupants of Penwith. I note the intention to reduce the trees and shrubs on the boundary which would increase light, but this in itself does not justify development which would otherwise be unacceptable.
12. The proposed extension would therefore cause unacceptable harm to the living conditions of the occupants of the neighbouring property. As such it would be contrary to Saved Policy BAS BE12 which provides that planning permission should be refused where an extension would cause material harm in relation to overlooking, overshadowing or over dominance. It would also conflict with National Planning Policy which looks to create a high standard of amenity for existing and future users.

Other Considerations

13. The appellant has drawn my attention to the smaller scale of St Helena in comparison to larger dwellings on London Road. I can appreciate the appellant's frustration that other dwellings in the locality have had the benefit of large extensions approved or have been able to extend into garage space. Nonetheless, the Framework does not allow for comparisons to be made against neighbouring properties when determining whether an extension is disproportionate or not. Nor do I have specific details before me as to how those extensions came to be approved. As such these developments only merit limited weight and do not lead me to a different view in this case.
14. I acknowledge that the proposal would modernise the dwelling and provide enhanced facilities to enable home working and make more effective use of space within the dwelling. However, I am not persuaded that the proposal is

the only practical option for this property and accordingly I attach limited weight to this factor.

15. I note too the appellant's reference to the Council's handling of the application but this is not a matter before me nor does it alter my findings.

Conclusion

16. I find that the proposal would be inappropriate development which is by definition harmful to the Green Belt and should not be approved except in very special circumstances. There would also be some limited harm to the openness of the Green Belt. In addition, there would be harm to the living conditions of the occupiers of the neighbouring property.
17. In line with the Framework, I attach substantial weight to the harm caused by inappropriateness and other harm. The other considerations described above do not clearly outweigh the totality of the harm I have identified. Accordingly, the very special circumstances necessary to justify this development do not exist.
18. For the reasons given above, I conclude that the appeal should be dismissed.

K Winnard

INSPECTOR