



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: 11 June 2021

Appeal Ref: APP/H1515/D/20/3264816

291 Chelmsford Road, Shenfield, CM15 8SD

- 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 Cigdem Aslan against the decision of the Brentwood Borough Council.
 - The application Ref 20/01052/HHA, dated 26 July 2020, was refused by notice dated 18 September 2020.
 - The development proposed is the demolition of side garage extension and rear conservatory with erection of single storey side and rear extension.
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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.

Procedural Matter

3. The application is submitted retrospectively and during the site visit I observed that the works were completed. Accordingly, I have considered the proposal on this basis.

Main Issues

4. 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.
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Reasons for the Recommendation

5. Paragraph 145 of the NPPF states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. 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. Policy GB1 of the Brentwood Replacement Local Plan (the 'local plan') states that extensions to buildings in the Green Belt must be justified by very special circumstances. This is therefore not wholly consistent with the NPPF which does allow for extensions provided they're not disproportionate.
6. The original dwelling possessed a footprint of 80.66 sqm, as assessed by the Council, and this is not disputed by the appellant. The Council has provided calculations of the floorspace increases over the original dwelling and states that the development, plus the enlargement of the original dwelling as part of application ref BRW/668/82, represents a 94.77% increase in footprint. The appellant has not provided me with corresponding calculations however they consider the proposed development would be proportionate as the footprint of the dwelling would only increase further by 16 sqm.
7. I find that an overall increase in floorspace of 94.77% from the original dwelling represents a significant increase. There is no defined way of assessing and measuring proportionality, but the NPPF refers to 'size'. This can, in my view, refer to volume, height, external dimensions, footprint, floorspace or visual perception. In this instance, the added floorspace and volume as a result of development is considerable and has led to a scale of additions far in excess of that of the original dwelling.
8. On the basis that the extensions have resulted in disproportionate additions over and above the size of the original dwelling, I therefore find the development is inappropriate development in the Green Belt and conflicts with Paragraph 145(c) of the NPPF, as detailed above, which together seeks 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. I note the appellant makes reference to Policy GB4 of the Local Plan which allows for extensions to existing dwellings within established areas of frontage ribbon development included within the Green Belt such as between Nos. 169-293 Chelmsford Road. Proposals for extensions to properties within these areas must comply with Policy GB2 of the Local Plan which seeks to ensure proposals do not harm the openness of the Green Belt.
10. In this regard, the cumulative increase in footprint, volume and bulk as a result of the previous extensions has had an adverse effect on the openness of the Green Belt in a spatial sense, with the appeal proposals further adding to this accumulation.
11. I acknowledge that the proposed extensions are of a limited scale but will inevitably add both visually and spatially to the adverse impact on openness. However, I find this harm to be comparatively limited given the disposition of the works as a modest increase in depth of development to the rear, and partial infilling of the driveway to the side of the dwelling.

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. Substantial weight should be given to any harm to the Green Belt.
13. In determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity.
14. The appellant has submitted supporting evidence which sets out the specific needs and personal circumstances of an occupier of the property and the contended justification for the extension of the dwelling, and I am satisfied that consideration of the needs of the occupier would fall within the auspices of the PSED.
15. I have carefully considered the submissions and I recognise the importance that the provision of an additional bedroom would play in meeting these needs, yet I note that the submitted plans do not incorporate the provision of an additional bedroom. Indeed, the plans indicated additional living accommodation in the form of a lounge, a new kitchen/dining open plan layout and an ensuite bathroom within an enlarged and relocated bedroom 3 formed by the conversion of the garage. Having carefully considered the layout of the dwelling, I am not persuaded given its overall size that improvements to the accommodation and layout to meet the specific personal circumstances could not have been achieved by other means and without the need for the extent of further accommodation as had been proposed and carried out.
16. Notwithstanding this, I do accept that the enlargement of the property and the integration of a new ensuite bathroom within bedroom 3 will undoubtedly improve living conditions for the occupants. For these reasons and based on the submitted evidence, I attach moderate weight to the need to address the specific circumstances as presented in this instance in accordance with the PSED, and which must therefore weigh in support of the development.

Planning Balance and Overall Conclusion

17. 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.
18. I have attached moderate weight to the specific evidence submitted by the appellant, however, given the substantial weight attached to harm to the Green Belt by inappropriateness and to its openness, it is not considered that the evidence put forward by the appellant clearly outweighs the harm identified. I conclude that cumulatively there are no other considerations that clearly outweigh the harms and therefore there are no very special circumstances to justify the development.
19. Consequently, the development is contrary to the development plan taken as a whole, and in particular conflicts with Paragraph 145(c) of the NPPF and

Policies GB1 and GB2 of the Local Plan which together aim to protect the Green Belt from inappropriate development.

Recommendation

20. 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

21. 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