
Appeal Decision

Site Visit made on 22 June 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2021

Appeal Ref: APP/B1550/D/21/3268397

362 Plumberow Avenue, HOCKLEY, SS5 5NP

- 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 Scruby against the decision of Rochford District Council.
 - The application Ref 20/00920/FUL, dated 28 September 2020, was refused by notice dated 25 January 2021.
 - The development proposed is side extension to bungalow in the same style as existing to create more appropriate double frontage to 'road facing' side.
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Decision

1. The appeal is allowed and planning permission is granted for side extension to bungalow in the same style as existing to create more appropriate double frontage to 'road facing' side at 362 Plumberow Avenue, HOCKLEY, SS5 5NP in accordance with the terms of the application, Ref 20/00920/FUL, dated 28 September 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Planning Drawings 5170
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;

Reasons

3. 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. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145. 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'.

4. Policy DM17 of the Rochford District Council Local Development Framework Development Management Plan 2014 (DMP) states that extensions to dwellings in the Green Belt will be considered favourably provided that the proposal would result in no more than a 25% increase in internal floorspace of the original dwelling and provided that the proposal has been designed so as to avoid impact on the character and appearance of the Green Belt, through its scale, mass and orientation.
5. The original dwelling was modest in its footprint and has been extended to provide an additional bedroom, porch and conservatory. The proposed extension would result in the replacement of the existing conservatory and further additions which would replicate the form of the previous bedroom extension.
6. Policy DM17 sets a criteria of 25% of the original floor space and as a result of the modest original footprint, the proposed extension together with the previous extensions would exceed this and therefore there is a conflict with this part of the policy. Whilst this figure provides a useful guideline the Framework does not provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement. Therefore, I have given greater weight to the Framework in this regard.
7. The second part of the policy requires development to be designed so as to avoid impact on the character and appearance of the Green Belt, through its scale, mass and orientation. The proposed extension would replace the existing conservatory and results in a compact development which does not extend beyond the original rear elevation of the dwelling. It also follows the scale of the original dwelling and the form of the existing single storey side extension.
8. Furthermore, the proposed roof form with the original ridge height being maintained and use of matching materials, which could be secured by condition, would be in keeping with the host dwelling. As a consequence, the extension would not be overly prominent and would not unbalance or overwhelm the original dwelling as a whole. As a result it avoids impact on the character and appearance of the Green Belt and therefore complies with Policy DM17 of the DMP in this regard.
9. For the reasons given above, I therefore conclude that the proposal does not result in a disproportionate addition over and above the size of the original building and the development would not be inappropriate development in the Green Belt and as such it should not be regarded as harmful to the openness of the Green Belt or the purposes of including land within it and is in accordance with the Framework.

Other matters

10. I have had regard to the other appeals cited by the Council and the Inspectors approach to the application of policy DM17. In these examples the proposals were considered disproportionate additions over and above the size of the original building. Whilst the starting point for their reasoning was the 25% threshold the Inspectors in these cases also considered the specifics of the proposal before them and this is the approach that I have also taken and therefore the policy has been applied consistently.

11. In APP/B1550/D/20/3260454 the Inspector noted that the proposal was a taller and larger development and that the combined effects of increased scale and living accommodation would be more prominent within its surroundings. In APP/B1550/D/20/3248884 the Inspector highlighted that the policy requirement of 25% was seen as a guide and they had not applied this figure absolutely. Therefore, the approach I have taken in my consideration of Policy DM17 does not depart from these examples, despite my findings in relation to the scale of the development leading me to a different conclusion.

Conditions

12. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance. As well as the standard implementation condition, I have imposed a condition to ensure that the proposal is built in accordance with the approved plans to provide certainty and a condition in respect of materials to safeguard the character and appearance of the area.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

G Pannell

INSPECTOR

