



Appeal Decisions

Site Visit made on 8 July 2021

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2021

Appeal A - Ref: APP/H1515/W/20/3264301

Holly Cottage, Padhams Green, Mountnessing, Essex CM13 1UL

- 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 Ms Deborah Webb against the decision of Brentwood Borough Council.
 - The application Ref 20/01151/HHA, dated 31 July 2020, was refused by notice dated 2 October 2020.
 - The development proposed is described as 'First floor rear/side extension to create a dressing room and en-suite bathroom'.
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Appeal B - Ref: APP/H1515/Y/20/3264302

Holly Cottage, Padhams Green, Mountnessing, Essex CM13 1UL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Ms Deborah Webb against the decision of Brentwood Borough Council.
 - The application Ref 20/01152/LBC, dated 31 July 2020, was refused by notice dated 2 October 2020.
 - The works proposed are described as 'First floor rear/side extension to create a dressing room and en-suite bathroom'.
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Decisions

1. Both Appeal A and Appeal B are dismissed.

Main Issues

2. I have considered the two appeals concurrently, but on their own merits, because there are common matters between them. Thus, the main issues in these appeals are:
 - Whether the proposal would be inappropriate development in the Green Belt and its effect on the openness of the Green Belt (Appeal A);
 - Whether the proposed works and development would preserve the Grade II listed building known as Holly Cottage or any features of special architectural interest that it possesses (Appeals A and B); and
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations to amount to the very special circumstances necessary to justify it (Appeal A).

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. Policy GB1¹ of the Brentwood Replacement Local Plan (LP) states that planning permission will not be given for extensions to buildings in the Green Belt except in very special circumstances unless the extension is appropriate development. The policy does not define what appropriate development is although the supporting text to the Policy suggests it should be read in line with guidance set out in Planning Policy Guidance Note 2 (PPG2). PPG2 has been superseded by the National Planning Policy Framework (Framework). It is therefore reasonable to have regard to the Framework when applying Policy GB1.
4. Paragraph 145 of the Framework states that the extension of a building would not be inappropriate development if it would not result in disproportionate additions over and above the size of the original building. The original building is defined in the Glossary of the Framework as the building as it stood on 1 July 1948. However, the term 'disproportionate' is not defined in the Framework and nor have I been directed to a local definition devised by the Council. It is therefore a matter of judgement as to whether the proposal would result in the building being disproportionately enlarged.
5. The Council have suggested that the property has more than doubled in size through various extensions. The Council has not provided figures of the floor space or volumetric uplift, but plans have been supplied detailing the enlargement of the building throughout the 1970s. From reviewing them I share the view of the Council that the property has already been significantly extended to the west/rear. The Historic Buildings Analysis submitted by the appellant includes a phasing plan that supports this finding.
6. The appeal scheme would not increase the footprint of the building, but it would result in a rear element being enlarged with additional volume. It would be apparent from the lane that the property had increased in size. Consequently, the appeal scheme, when considered cumulatively with existing extensions, would result in the appeal property being much larger than the original dwelling. In my view the enlargement of the building has already been disproportionate and therefore the appeal scheme would compound this.
7. In coming to this view, I note that the extensions in isolation are modest because the original cottage was not large. However, the Framework is concerned with proportionality. Therefore, a small cottage could only be extended with modest extensions if they are to be proportionate. In conclusion, the appeal scheme would be a disproportionate extension over and above the size of the original dwelling. It would therefore be inappropriate development in the Green Belt which would, by definition, harm the Green Belt.

The effect on the openness of the Green Belt

8. The proposal would result in additional massing being added to the property where there is none currently. This would reduce the openness of the Green Belt. The proposed extension would take place at roof level and therefore it would be visible from outside the appeal site. Accordingly, there would be a perception that the building had been enlarged, and the openness of the Green

¹ The Council has also referred to Policy GB2, but its supporting text explains that it is directed at development that is appropriate in the Green Belt. As a result, it is unclear why the Council considers this policy to be relevant.

Belt eroded, especially as the extension would appear quite bulky against the existing building. However, the extension would be modest in size and therefore the overall effect on openness would be limited.

9. As such, the proposal would result in some limited harm to the openness of the Green Belt. The Framework advises that the fundamental aim of the Green Belt is to keep land permanently open. The harmful loss of openness caused by the appeal scheme would be at odds with this fundamental aim.

Whether the proposal would preserve the Grade II listed building

10. Holly Cottage may date from the early 19th Century. It is timber framed and has simple unassuming elevations predominately finished in weatherboarding with little ornamentation. This is unsurprising as the building was probably originally intended to be occupied by an agricultural labourer or such like. The first-floor attic rooms are lit by attractively proportioned dormer windows and this adds to the humble and characterful appearance. The building overall is a pleasant example of the local vernacular with generally sensitive 20th Century single storey hipped roofed additions. The two-storey addition is less sympathetic due to the wide span and UPVc finish.
11. Accordingly, the significance of the listed building, in so far as it relates to these appeals, is primarily its evidential and historic value as a small rural home. The simple rural charm also provides fortuitous aesthetic value.
12. The proposal would preserve historic fabric and incorporate a matching roof pitch, but it would also result in a rear wing being noticeably raised in height. This would increase the bulk and massing of the building and therefore erode the sense of it being a modest cottage. It would also disrupt the hierarchy of the roof scape. Furthermore, some of the detailing would be rather clumsy. For example, there would be a higher eaves line than the more historic part of the building and a dormer window of a greater size than the existing would be inserted in the roof slope. This would all draw undue attention to an extension wing, which would appear overly large. The extension would screen the existing two storey addition from the north, but its gable end would loom awkwardly behind the front elevation of the property in views from the lane.
13. Thus, the proposal would over-extend the property and therefore harmfully erode the character and interest presently expressed in its modest size. The extension's height and detailing would also be problematic. The historic, evidential and aesthetic value of the building as a surviving vernacular cottage would therefore be meaningfully harmed contrary to the expectations of The Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies C15, and CP1 of the LP in so far as relevant.
14. The harm would not be severe and therefore it would be 'less than substantial' within the meaning of the Framework. The Framework requires such harm to be weighed against the public benefits of the proposal.
15. The extension would accommodate an upstairs dressing room and ensuite. This would improve the quality of the accommodation on offer as currently there is only a bathroom downstairs. This is capable of being considered a public benefit as it increases the desirability of the building and therefore makes it more likely to remain occupied and cared for. However, it is not unusual in an older property for the bathroom to be downstairs. In this instance the existing

bathroom is of a good size and quality. Holly Cottage functions adequately as a dwelling with this arrangement although it may not meet the current desires of the appellant. There is no evidence before me of long periods of vacancy and the apparently good condition of the structure are testament to this. As such, the proposal is unnecessary to secure the optimum viable use of the building as a dwelling or to improve substandard accommodation.

16. There would be some very minor economic benefits from the construction of the proposal, but these would be short lived and modest in scale. The appellant refers to the potential to replace the existing UPVc cladding with timber boarding and this would likely enhance the building. However, the significance of the building as a whole would be harmed if this benefit were to be realised as a result of allowing a harmful extension. Overall, the proposal would have very limited public benefits.
17. Paragraph 193 of the Framework states that great weight should be given to the conservation of designated heritage assets. Considerable importance and weight must be given to the special regard I must pay to the desirability of preserving the listed building². In this context, the less than substantial harm that would arise from the proposal would not be outweighed by its very limited public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to a designated heritage asset would not have clear and convincing justification.

Whether there would be Very Special Circumstances

18. Policy GB1 and the Framework state that inappropriate development will not be permitted unless very special circumstances can be demonstrated. 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. The appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. There would also be some limited harm to the openness of the Green Belt and less than substantial harm to the listed building. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt. Conversely, the other considerations identified are collectively of very limited weight as matters in favour of allowing the proposal. The benefits of the scheme would not outweigh the harm to the listed building let alone the totality of harm identified.
20. Accordingly, the harm to the Green Belt, taken with any other harm, is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the proposal do not exist. It would therefore be at odds with Policy GB1 and the Framework.

Conclusion

21. For the reasons given, the appeals have failed.

Graham Chamberlain,
INSPECTOR

² See Sections 16(2) and 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990