

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: 10th August 2021

Appeal Ref: APP/B1550/D/20/3251390
3 Hooley Drive, RAYLEIGH, SS6 9RA

- 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 M Blackwell against the decision of Rochford District Council.
 - The application Ref 19/00139/FUL, dated 04 February 2020, was refused by notice dated 5 March 2020.
 - The development proposed is provision of detached outbuilding for use incidental to dwellinghouse – 3 Hooley Drive.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have also dealt with another appeal (APP/B1550/W/20/3254794) on this site. That appeal is the subject of a separate decision.
3. The National Planning Policy Framework was revised on 20 July 2021 and the Council and appellant have had an opportunity to comment on the implications of this.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the area; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

5. The National Planning Policy Framework (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 149.
6. The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, is one of the listed exceptions at paragraph 149(d).
7. The existing outbuilding is located forward of 3 Hooley Drive, a detached single storey dwelling which is currently unoccupied. Its location adjacent to a vehicular access onto Hooley Drive indicates that it is likely to have been used previously as a garage or storage building in connection with residential occupation of 3 Hooley Drive. The building is currently in a poor state of repair and has become partially overgrown by existing vegetation.
8. The proposed outbuilding would be L-shaped and would be partially sited on the existing footprint with the proposed building extending towards 4 Hooley Drive, parallel to the road. The ground floor plan indicates that the proposed outbuilding would be used as a music/games room and includes a separate toilet. It has been put to me that the use of the building in combination with its overall scale and siting would not be ancillary to the occupation of 3 Hooley Drive.
9. Comparing the original building to the one that would result if the proposal were to go ahead, I consider that the outcome would be materially larger when compared against the original building. Therefore, even if I were to accept that the proposed outbuilding was ancillary to the main dwelling and therefore in the same use as the original building, the proposed development would not comply with the exception at paragraph 149(d). It would therefore be inappropriate development which is, by definition, harmful to the Green Belt.
10. Another listed exception is paragraph 149 (c) which states that 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.
11. The Courts found in *Sevenoaks District Council v SSE and Dawe* [1997] that an existing detached domestic outbuilding could be regarded as part of the dwelling, and, therefore an extension to the outbuilding could be regarded as an extension to the house. Having regard to this case, a proposed new outbuilding could, potentially, be regarded as an extension to a dwelling, in some circumstances. The proposed outbuilding would be located approximately 17m from the existing dwelling and the degree of separation between the proposed outbuilding and the existing dwelling, in combination with the lack of other development within this part of the site, lead me to conclude that the outbuilding could not be considered as an extension to a dwelling and therefore would not comply with paragraph 149 (c).

The effect of the proposal on the openness of the Green Belt

12. Paragraph 137 of the Framework states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. Although the proposed outbuilding would be seen within the context of the existing buildings located to the rear of the site and the existing dwelling, it would be a substantial structure compared to the one which currently exists and would result in an increase in built form within the frontage of the site. The development would in both spatial and visual terms have a greater and harmful impact upon the openness of the Green Belt. Therefore, it would result in moderate harm to the openness of the Green Belt.
13. In not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt, which paragraph 147 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt.

Character and appearance

14. Hooley Drive comprises detached dwellings set back from the road with parking areas to the front. Many of the properties have a mix of hedgerows and low fencing along the road frontage, with a number of mature trees also evident. This in combination with the low density of development gives a semi-rural character.
15. The area has a variety of building styles and from my visit I noted that the majority of the buildings, whilst differing in style, are well set back from the frontage of the site and it is this which provides the character of the area.
16. The proposed development comprises an L-shaped outbuilding, located forward of the dwelling adjacent to the existing boundary fencing. As a result of the modest fencing and overall open frontage of the site the outbuilding would be visible from outside the site. Whilst the building is single storey in nature, its overall width and scale, in combination with its L-shaped form will add to its bulk and massing and detract from the low density character of the area with its open frontages.
17. By virtue of its position forward of the dwelling, the proposed outbuilding will be visible from Hooley Drive and will appear as an incongruous feature given the lack of other structures located along the immediate road frontage. Therefore, the development will detract from the character and appearance of the area, contrary to policy DM1 (x) and (xi) of the Rochford District Council, Local Development Framework Development Management Plan 2014 which seeks to ensure that the design of new developments promote the character of the locality and creates a positive relationship with existing and nearby buildings and is of a scale and form appropriate to the locality.

Other Matters

18. I note the appellants' comments in relation to permitted development rights and that these are not generally restricted within the Green Belt. However, the development proposed, being sited forward of the dwelling would not be permitted development. As such this consideration carries little weight in my deliberations.

19. Reference has been made to two other developments that have been granted planning permission within Hooley Drive, however one is a prior approval for a single storey rear extension and therefore would not be considered under the same criteria as an outbuilding and therefore is of limited relevance.
20. The second is for the conversion of a stable building to a dwelling house, I do not have any details of the considerations in this case. However, the characteristics of each site are different and the circumstances that applied to other cases may not be directly comparable to those before me.

Green Belt Balance and Conclusion

21. In conclusion I have identified that the scheme would be inappropriate development in the Green Belt as defined by the Framework and result in harm to openness. It would, by definition, be harmful to the Green Belt, to which I must give substantial weight.
22. I have also identified harm to the character and appearance of the area to which I attribute significant weight. There are no other considerations which outweigh the totality of harm the scheme would cause to the Green Belt.
23. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR

