
Appeal Decision

Site visit made on 21 July 2021

by R Bartlett PGDIP URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Appeal Ref: APP/B5480/W/21/3271201

63 Shepherds Hill, Romford, Essex, RM3 0NP

- 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 Sara Jennings against the decision of the London Borough of Havering Council.
 - The application Ref P1538.20, dated 21 October 2020, was refused by notice dated 21 January 2021.
 - The development proposed is first floor extension to existing annexe within the grounds, consisting of two bedrooms and a bathroom on the proposed first floor and conversion of the existing bedroom on the ground floor into a lounge.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, the Government published a revised National Planning Policy Framework (the Framework). Other than a change to the relevant paragraph numbers, the revised Framework does not materially alter the national policy approach in respect of the issues raised in this appeal and therefore the main parties have not been prejudiced by its publication. I have determined the appeal on the basis of the revised Framework and therefore the paragraph numbers referred to in this decision are those of the latest version.

Main Issues

3. The main issues are as follows:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the development on the openness of the Green Belt;
 - the effect of the development on the character and appearance of the area;
 - the effect of the development on living conditions of neighbours at No.65 Shepherds Hill, with particular regard to overlooking and privacy; and
 - if the development is inappropriate in the Green Belt, 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

4. Paragraph 147 of the Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are exceptions to this general restriction and paragraph 149 provides, amongst other things, that the extension or alteration of a building should not be regarded as inappropriate development in the Green Belt provided it does not result in disproportionate additions over and above the size of the original building. Given the proximity of the outbuilding to the house and its incidental/ancillary nature, it is reasonable to treat the annex building as an extension to the main house.
5. Policy DC45 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document Adopted 2008 (CS & DCP) states that extensions to existing dwellings in the Green Belt will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling.
6. Policy G2 of the London Plan 2021 also requires that the Green Belt is protected from inappropriate development except where very special circumstances exist.
7. Neither party has provided me with any calculations relating to the size of the original dwelling or what the cumulative increase of that would be, taking into account the proposal and any previous extensions added to the house with or without planning permission. However, the council has provided a copy of the planning history for the appeal property, which confirms that in granting the existing outbuilding in 2001, the council was satisfied that the outbuilding, together with previous extensions to the house that were in existence at that time, would result in a 48% increase over and above the size of the original dwelling.
8. The personal statement provided by the Appellant confirms that since purchasing the property in 2013, a previous conservatory and utility room have been replaced with a larger conservatory. Although this change may not have required planning permission the increase in size is still relevant to the Green Belt disproportionate additions test.
9. The proposal currently before me would double the floor space and volume of the existing outbuilding and would significantly increase its height. In mathematical terms alone, there is no doubt in my mind that the proposed extension, when taken with previous extensions to the property, would increase the cubic content of the original dwelling by more than 50%, resulting in disproportionate additions over and above the size of the original building. The extension would also appear as a disproportionate addition to the original dwelling due to its overall scale and height.
10. The proposed extension would not therefore comply with exception c) of Paragraph 149 of the Framework and would amount to inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and the Framework directs that substantial weight should be given to any harm to the Green Belt. The proposal would also conflict with Policy DC45 of the CS & DCP and Policy G2 of the London Plan.

Openness

11. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect.
12. As set out above, the extension to the outbuilding would significantly increase its height and volume. As a result, in spatial terms, the proposal would result in a larger form of built development than what exists at present. In visual terms, the proposed extension would be visible from surrounding properties and within the street scene. Consequently, the proposal would result in a loss of openness in both visual and spatial terms.
13. Given the scale of the proposal and its proximity to existing built development, the harm to the openness of the Green Belt would be very limited. Nevertheless, in accordance with paragraph 148 of the Framework I must give substantial weight to any harm to the Green Belt.

Character and Appearance

14. Shepherds Hill comprises a wide variety of houses and bungalows of differing heights, scale, design and materials. The roof types are also varied albeit they are generally steeply pitched and proportionate to the size of the building. Gable fronted buildings are not common in the area. The building line is staggered and the space between dwellings also varies but is generally quite tight, particularly at ground floor level.
15. I acknowledge that the roof of the existing outbuilding is gable fronted and that it has a shallow pitch. However, the roof is currently in proportion with the rest of the building and is not visually prominent due to its single storey nature and its position set back into the site and adjacent to a neighbouring garage of similar height.
16. The proposed first floor extension would result in a tall narrow building, with a gable front and a very shallow pitched roof. The building would appear, from the street, as a poorly designed house squeezed between the existing house and the adjacent garage.
17. I therefore conclude on this matter that the proposal would be contrary to Policy DC61 of the CS & DCP, which states permission will only be granted for development that maintains, enhances or improves the character and appearance of the local area.

Living Conditions

18. The proposed extension would have a large first floor bedroom window in the rear elevation, looking down the Appellant's own garden, which is well screened by mature trees and hedges.
19. Whilst the first floor window would allow oblique views over the rear garden of No.65, it would not result in a loss of privacy to any rear windows of the neighbouring dwelling and it would not directly overlook the patio area to the rear of that dwelling. It would overlook an area to the rear of the neighbours garage, used for parking a touring caravan.

20. The level of overlooking of the neighbouring garden from the proposal would not in my view be detrimental to the living conditions of occupiers of No.65 Shepherds Hill and could in any event have been addressed by suitable planning conditions had this been considered reasonable and necessary.
21. I therefore find no conflict with Policy DC61 of the CS & DCP in relation to this matter.

Other Considerations

22. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
23. The Appellant's agent suggests that the appropriate design, siting, appearance and materials of the building would collectively constitute the very special circumstances required to outweigh any harm to the Green Belt. Even if I had found those details to be appropriate, these things would clearly not constitute the very special circumstances required and would not protect the Green Belt from being built upon.
24. I have had regard to the Appellant's personal circumstances, namely the need for additional space to accommodate new ways of working from home, which I agree is likely to become the norm for many people and the need to provide additional living space for her parents, whose care needs are likely to increase in the future. I afford these matters moderate weight.
25. I acknowledge that the extended outbuilding would remain smaller than and subservient to the main dwelling. However, that does not automatically mean that it would not, when added to other extensions to the dwelling, result in disproportionate additions over and above the size of the original dwelling. Accordingly I can give this limited weight.
26. It is suggested by the Appellant that the existing annex was possibly a conversion or replacement of a garage that formed part of the original dwelling. However, I have to make my decision based upon the evidence before me and I have been presented with very little evidence of the volume of the original dwelling or any additions to it.
27. The Appellant refers to other large extensions and outbuildings in the surrounding area. Those extensions and outbuildings may not have resulted in disproportionate additions, may not have required planning permission or may have demonstrated very special circumstances. The infill dwelling referred to would have been subject to different planning policies to an extension. As I do not know the full details of the other cases referred to, I cannot afford them any significant weight.

Planning Balance

28. The proposal would amount to inappropriate development as defined by the Framework, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the proposal would lead to a further loss of openness to the Green Belt, albeit this would be very limited. Substantial weight must be given to the harm to the Green Belt and very special circumstances will not exist unless that harm is clearly outweighed by other considerations.

29. The other considerations that have been put forward in this case do not clearly outweigh the substantial weight that I am required to give to the harm that I have identified to the Green Belt and to the character and appearance of the area. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

30. For the reasons given above, I conclude that the appeal should be dismissed.

Rachael Bartlett

INSPECTOR