



Appeal Decision

Site Visit made on 8 November 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2021

Appeal Ref: APP/V1505/D/21/3273534

Nookfold, Trenham Avenue, Pitsea, BASILDON, SS13 1AB

- 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 Darren Smith against the decision of Basildon Borough Council.
 - The application Ref 21/00105/FULL, dated 19 January 2021, was refused by notice dated 5 March 2021.
 - The development proposed is proposed rear extension with pitched roof over and proposed first floor rear dormer with catslide roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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; 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

3. 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. 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 BAS GB4 of the Basildon District Local Plan Saved Policies 2007 states that dwellings will be allowed to extend to 90 square metres or by 35 square metres over and above the original floor area of the dwelling (or the area as at 1 July 1948), whichever is the greater subject to a number of criteria.

5. 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.
6. In this regard assessing proportionality is primarily an objective test based on size. The proposed rear extension is relatively modest in terms of footprint and would be set back from the rear elevation of the original dwelling. However, the proposed first floor dormer window would also be located to the rear and would extend from just below the ridge height of the original dwelling. The cat slide roof would extend over the proposed ground floor extension and infill more than half of the rear roof slope, which is currently subdivided by the rear gable projection. In these ways the proposal would not be subservient to the host property.
7. Comparing the scale of the original building to the one that would result if the proposal were to go ahead, I consider that the outcome would be disproportionate when considered against the original dwelling. Furthermore, it would also be disproportionate when compared to the replacement dwelling, which has already been extended. It would therefore be inappropriate development which is, by definition, harmful to the Green Belt.
8. 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. Para 148 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt.

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

9. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Openness can be defined as the absence of built form. In the case before me the bulk of the built form would increase as a result of the proposal and would therefore, in spatial terms, have a harmful impact upon the openness of the Green Belt.
10. The effect of the cumulative increased size of the host dwelling would clearly be experienced both visually and spatially, although due to the extension being located to the rear of the existing dwelling this impact would be localised and limited. However, in this respect even a limited adverse effect on openness would contribute to the overall harm to the Green Belt.
11. For this reason, the proposed development would compromise the openness of the Green Belt, in that it would be reduced. Whilst the loss of openness would be limited, harm to the Green Belt would occur. This matter carries modest weight in this site-specific circumstance.

Other Considerations

12. It has been put to me that the original dwelling was very small and its replacement was relatively modest in comparison with those which have been allowed elsewhere in the district. 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.

13. The appellant also contends that the house could be enlarged upward under the recently introduced Class AA permitted development rights. However, this has not been confirmed through a formal application and therefore while this is a consideration in this appeal, given the uncertainty it only therefore attracts limited weight.
14. In addition it has been suggested that the dwelling could be extended under Class A permitted development rights, however the Council have provided evidence that the existing dwelling is subject to a restrictive condition which would limit the appellants permitted development rights. Therefore, I have given this suggestion limited weight.

Green Belt Balance and Conclusion

15. 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.
16. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in limited harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
17. As explained above I give limited weight to the other material considerations cited in support of the proposal. However, I conclude these circumstances do not clearly outweigh the harm the scheme would cause.
18. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. The proposal is therefore in conflict with policy BAS GB4 of the LP and the Framework.
19. The proposal would therefore conflict with the development plan and there are no other considerations that outweigh this conflict. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR