



Appeal Decision

Site visit made on 14 December 2021

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2022

Appeal Ref: APP/B1550/D/21/3271540

The Old School House, Paglesham Road, Paglesham SS4 2DR

- 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 and Mrs Hinton against the decision of Rochford District Council.
 - The application Ref 20/01092/FUL, dated 23 November 2020, was refused by notice dated 18 January 2021.
 - The development proposed is 'remove existing metal framed canopy and erect new conservatory'.
-

Decision

1. The appeal is allowed and planning permission is granted to remove the existing canopy and erect a new conservatory at The Old School House, Paglesham Road, Paglesham SS4 2DR in accordance with the terms of the application, Ref 20/01092/FUL, dated 23 November 2020, 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: 3384.01, 3384.02, 3384.03B.

Preliminary Matters

2. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. There are no substantive changes relevant to the appeal before me and therefore no interested parties would be prejudiced by my consideration of the 2021 version of the Framework.

Main Issue

3. The main issue is whether or not the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.

Reasons

4. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, paragraph 149 states that the construction of new buildings should be regarded as inappropriate in the Green Belt. Exceptions to this include 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. The Framework defines 'original building' as a building as it

existed on 1 July 1948, or if constructed after that date, as it was originally built.

5. Policy DM17 of the Rochford District Council Development Management Plan 2014 sets out criteria for extensions to dwellings in the Green Belt, including a 25% limit on original floorspace increases, provided that there is no material increase in the overall height of the dwelling and that the design of the proposal avoids impact on the character and appearance of the Green Belt. The floorspace calculations provided by the Council for various parts of the building have not been disputed by the appellant and I have used these figures to inform my assessment.
6. The main issue in dispute is which parts of the building should comprise the original floorspace in this instance, in particular whether this should include the two storey addition to the eastern side of the building.
7. Based on the evidence available, the appeal site forms part of an original old school house. Planning permission was granted in 1988 for the division of the school house into two separate detached dwellings. That permission also included an associated two storey side extension to the property which is now the appeal site. This building has since experienced further additions and alterations, including a front porch and two ground floor bay windows. Additional canopies have been installed to the rear and side elevation, as shown on the existing drawings.
8. Having considered the information available, including photographs provided by the appellant, the two storey side extension formed an integral part of the implementation of the 1988 planning permission and the building works were undertaken prior to the first occupation of the building as a new dwelling. It is my view that when the former school building was separated into two self contained dwellings within their own plots, this effectively started a new chapter in their planning history and created two new 'original buildings'. For this reason, I consider it reasonable to calculate the original floorspace as it was at the time when the new use commenced.
9. As the two storey side extension has therefore been found to comprise part of the original building, the cumulative additions to the original building including the proposed extension to the rear, would sit comfortably below the 25% threshold set out in local policy.
10. The development complies with the other criteria set out in policy DM17 as it does not involve a material increase in the overall height of the dwelling, and avoids impact on the character and appearance of the Green Belt through its scale, design and positioning on the rear elevation of the dwelling.
11. Despite the imposition of a condition on the 1988 permission to restrict further enlargements and alterations to the building without further approval, this would not automatically prohibit the grant of planning permission for further extensions to the property if they are found to be acceptable. In this respect I also note that permission for the bay windows and porch extension was granted subsequently to the 1988 consent.
12. Overall, I find the development proposed would not amount to extensions or alterations that would be disproportionate to the original building and I therefore conclude that the proposal would not be inappropriate development

in the Green Belt. It therefore follows that the effect on openness is not harmful. The proposed development complies with policy DM17 of the Development Management Plan 2014 which seeks to ensure that extensions to dwellings are proportionate, and GB1 of the Core Strategy 2011 which in summary seeks to protect the Green Belt. The proposal also complies with the Framework.

Conclusion

13. For these reasons, having taken account of the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed. I have imposed a condition requiring compliance with the supporting plans in the interests of certainty. As the approved plan gives detailed annotations of the materials to be used, I have not considered it necessary to impose a further condition relating to the external materials.

C Shearing

INSPECTOR