



Appeal Decision

Site visit made on 1 February 2022

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 4th February 2022

Appeal Ref: APP/B5480/D/21/3274558

Farmview, 85A Shepherds Hill, Romford RM3 0NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr D Coombes against the decision of the Council of the London Borough of Havering.
 - The application Ref: P0212.21, dated 8 February 2021, was refused by notice dated 30 March 2021.
 - The development proposed is described as a revised and reduced enclosure to the swimming pool.
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Decision

1. The appeal is allowed and planning permission is granted for a revised and reduced enclosure to the swimming pool at Farmview, 85A Shepherds Hill, Romford RM3 0NP in accordance with the terms of the application, Ref: P0212.21, dated 8 February 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be implemented not later than 6 months from the date of this decision.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved drawings: Location Plan; 001C.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the outbuilding hereby permitted shall be used only for purposes incidental to the enjoyment of the dwelling house and not for any trade or business nor as living accommodation.

Preliminary Matters

2. Since the Council's decision, a new version of the National Planning Policy Framework (the Framework) was published in July 2021. Also, the new Havering Local Plan (2016-31) (LP) was adopted in November 2021, superseding the previous London Borough of Havering Core Strategy and Development Control Policies Development Plan Document (the DPD), within the local development plan. The parties have had opportunity to comment on the approach of these new policy documents in relation to the issues in this appeal, and so will not be disadvantaged by my consideration of them.

3. The proposal would result in reduction of a constructed outbuilding that was refused planning permission, and dismissed on appeal in 2020 (the 2020 appeal scheme)¹.

Main Issues

4. The main issues in this case are:
 - a) whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy;
 - b) the effect of the proposal on the openness of the Green Belt; and
 - c) 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 development.

Reasons

Whether inappropriate development

5. The appeal site sits within the Metropolitan Green Belt. The host building is a two storey house, clad in cream colour boarding, with a pitched slate roof.
6. The reduced outbuilding would be close to the house and accessed via a patio that runs along the back of the building. It forms an integral part of the rear garden. The outbuilding accommodates a swimming pool, which could be regarded as a normal domestic adjunct. Given these factors, while not directly connected to the dwellinghouse, the proposed reduced outbuilding can be assessed in the same way as an extension.
7. Paragraph 149 of the Framework sets out a small number of exceptions to inappropriate development in the Green Belt. One such exception is the extension or alteration of a building, provided it does not result in disproportionate additions over and above the size of the original building. Policy G2 of The London Plan, and Objective xvi) of the LP support Framework Green Belt policy requirements.
8. The proposal is for a volumetric increase in building mass of approximately 27% additional to that of the house. This is lower than the previously cited 50% limit in Policy DC45 of the superseded London Borough of Havering Core Strategy and Development Control Policies Development Plan Document (DPD) While this policy was only partly consistent with the current Framework, and has been superseded by the new LP approach which does not specify a percentage, it nevertheless provides a 'ballpark' indication of the scale of what may have been potentially considered suitable in the borough in the recent past. At around half that percentage, the volume of current appeal proposal would be well below that figure.
9. Although apparently shallower at the rear than some in the locality, the garden space of the house is fairly spacious. Part of the constructed 2020 appeal scheme extension has been removed, which aids visualisation of the proportionality of the current appeal proposal. The gap that this provides

¹ Application Ref: P1497.19 and Appeal Ref: APP/B5480/W/20/3246541.

between the western end of the outbuilding, and house and pumphouse results in a reduced scale and sense of proportion in relation to the rear garden space.

10. Also, the proposed lowered flat roof of the outbuilding would appear approximately level with the eaves of the house. This reduced height and west end gap compared to the 2020 appeal scheme would help the proposed outbuilding to be subservient in scale and height to the house. Moreover, the top of the proposed outbuilding would be only marginally higher than the neighbouring pub's boundary combination of closed boarded timber fence and palisade fencing.
11. The location of the proposed outbuilding would be oblique to that of the house, such that the bulk of the buffer strip of space alongside the inner face of the appeal site's boundary fence would continue to be free from building mass. Also, the extent of the appeal scheme's hard surfacing is not out of place, in relation to the relatively substantial lawned garden surrounds, and the building scale of the house.
12. Together these factors would result in the proposed outbuilding not being cramped within the garden space, and not being disproportionate to the house. Therefore, the proposal would not result in disproportionate additions over and above the size of the original building. As this would comply with Paragraph 149(c) of the Framework, the proposal would not be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy. Accordingly, the proposal would not conflict with the LP Objective xvi) and Policy G2 of The London Plan.
13. As such, it is not necessary for me to proceed to assessment of main issues two and three, regarding the openness of the Green Belt, and whether very special circumstances are involved.

Other Matters

14. The reason for refusal in this case also asserted conflict with DP Policy DC61, which is superseded by LP Policy 26. These focus on character and appearance, and are not specifically Green Belt policies. Also, this type of policy conflict did not feature in the 2020 appeal decision.
15. In any case, the proportionate nature of the proposal identified above, in combination with its cream coloured boarding and dark window frames would help it blend in visually with similar external materials of the house. This, together with other elements that draw the eye, in the form of the pub boundary fence, and mature trees and garden space on and adjoining the appeal site, would help the proposed outbuilding to assimilate in its setting, in terms of the character and appearance of the area, including as viewed from neighbouring property.

Conditions

16. The above conditions are reasonable and necessary in the circumstances of this case, considered against the tests of the Framework and advice provided by Planning Practice Guidance. Conditions regarding implementation timescale and the use of the outbuilding are attached to safeguard the character of the area. A condition is necessary requiring that the development is carried out in accordance with the approved plans, to provide certainty.

Conclusion

17. The proposed development would adhere to the development plan and Framework, and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

William Cooper

INSPECTOR