



Appeal Decision

Site visit made on 11 January 2022 by Emma Grierson BSc (Hons) MSc MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2022

Appeal Ref: APP/V1505/D/21/3282711

Westview, The Chase, Little Burstead, Billericay CM12 9TT

- 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 & Mrs Driscoll against the decision of Basildon Borough Council.
 - The application Ref 21/00678/FULL, dated 23 April 2021, was refused by notice dated 2 August 2021.
 - The development proposed is a ground floor rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues in the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - The effect on the openness of the Green Belt; and
 - Would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether it is inappropriate development

4. The appeal site, containing a chalet bungalow style detached dwelling and a detached garage, is located within a rural area within the Green Belt. The proposal would introduce a single storey extension to the rear of the dwelling.
5. Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. These exceptions 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.

6. There is no definition of disproportionate development within the Framework. However, Policy GB4 of the Basildon District Local Plan Saved Policies (2007) indicates that a dwelling will be allowed to extend to 90m² or by 35m² over and above the original floor area of the dwelling, whichever is greater.
7. Even allowing for the aforementioned absence of a definition, the approach advocated by saved Policy GB4 is comparatively narrow and prescriptive in solely seeking to assess an uplift in floor area, and contrasts with the broader and more generalised wording of Paragraph 149 of the Framework. To this extent, it is noteworthy that the emerging Policy GB5 in the Basildon Borough Revised Publication Local Plan (2018) no longer relies on a focus on defined numerical values or calculations, with the wording consistent with that of the Framework.
8. Whilst the emerging policy can only attract limited weight at this stage due to the status and progress of the emerging Local Plan, it nevertheless demonstrates a clear direction of travel in diverging from the approach in the saved Local Plan. I find the consistency with the Framework presented by the emerging policy to be a compelling material consideration, and I therefore give significant weight within my decision-making to the wording of paragraph 149(c) of the Framework.
9. The current dwelling on the site is a replacement dwelling¹ and the Council have considered the original building to be the dwelling which was replaced. However, the definition of 'original building' within the Framework is a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. Therefore, the original building for the purposes of this assessment is the replacement dwelling as it was constructed.
10. Previous extensions² have been undertaken to the original building, including a loft conversion with three small dormer windows and an open porch. These have amounted to a very minor increase in the overall size of the dwelling. However, although only single storey in height, the proposed rear extension would be a substantial addition to the dwelling with a significant depth and a width consistent with that of the host dwelling. Therefore, regardless of calculations of the floor area, the proposal would represent a large and bulky addition to the rear of the dwelling and accordingly would be disproportionate to the size of the original building. It would therefore not fall under the exception within Paragraph 149 of the Framework.
11. Therefore, the proposed inappropriate development would be harmful to the Green Belt which, in accordance with paragraph 148 of the Framework, should be given substantial weight.

Openness

12. Due to the positioning of the extension to the rear of the dwelling, the proposal would have limited visibility from the public realm and therefore limited visual impact on the openness of the Green Belt. However, the size and scale of the extension would be substantial and would result in an adverse spatial impact on the openness of the Green Belt, in that it would be reduced. Whilst the loss of openness would be localised, it would still result in moderate harm to the Green Belt.

¹ BAS/1365/90

² 14/01155/FUL

13. Substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.

Other Considerations

14. The appellant has stated that the proposal would improve their living conditions. However, this is not a public benefit and therefore can only be given minimal weight. The appellant has also highlighted an appeal decision granting planning permission for a first-floor side extension within the same District as the appeal site, which is also within the Green Belt. However, although this had a cumulative impact similar to the proposal before me, the development proposed covered a substantially smaller floor area than the proposal before me, and I do not therefore attach any significant weight to this other scheme.

Conclusion and Recommendation

15. I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with general aims of policies GB4 and GB5 which seek to protect the Green Belt, along with the Green Belt objectives of the Framework.
16. For the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole, and I recommend that the appeal be dismissed.

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR