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## 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: 11 February 2022**

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**Appeal Ref: APP/W1525/D/21/3285284**

**1 Bakers Lane, West Hanningfield, Chelmsford CM2 8LE**

- 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 Leon Bates against the decision of Chelmsford City Council.
  - The application Ref 21/01124/FUL, dated 27 May 2021, was refused by notice dated 16 August 2021.
  - The development proposed is the demolition of existing extensions and a two-storey extension and a single front porch.
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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 two-storey semi-detached dwelling with a single storey side and rear extension and a conservatory, is located within a rural area within the Green Belt. The proposal would replace the existing side and rear extension with a two-storey extension to the side and rear and a single storey porch.
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. Policy DM11 of the Chelmsford Local Plan (2020) is similarly worded and is consistent with the Framework's approach.

6. The Council have stated that the proposal would result in a 145% increase in floorspace from the original dwelling, including the existing extensions to the property. However, the appellant disagrees with this finding stating that the increase would only be 117%. Regardless of the numerical values, it is evident that the cumulative size of the existing and proposed extensions would be over double that of the original dwelling and would result in a significantly larger dwelling than the original. Furthermore, the addition of a two-storey extension to the side and rear of the property would substantially increase the bulk and massing of the building.
7. Therefore, the previous extensions and the proposed extension would result in a dwelling which is disproportionate in size compared to the original building. It would therefore not fall under the exception in paragraph 149 of the Framework, relating to the extension or alteration of a building, and would be inappropriate development within the Green Belt.
8. 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. There would also be conflict with Policy DM11 of the Local Plan.

### *Openness*

9. The proposed development would create an extended dwelling which would be larger than the existing building. Although it would largely sit within the footprint of the existing dwelling and its previous extensions, the proposal would nevertheless have a significant spatial impact on the openness of the Green Belt due to the increase in its volume and bulk. In addition, although the rear of the property is screened by landscaping, the side extension and porch would be highly visible from the road, thereby eroding the visual openness of the site. Therefore, there would be both an adverse spatial and visual impact on the openness of the Green Belt from the proposed extension, in that it would be reduced.
10. 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*

11. Planning permission has previously been granted on the appeal site for a two-storey side extension and single storey porch<sup>1</sup>, although these have yet to be constructed. Whilst I accept that there would be some similarities in appearance from the public realm when compared to the proposal before me, the consented scheme is smaller in size and bulk than the current proposal and therefore would have a lesser impact upon the openness of the Green Belt. Therefore, the consented scheme would clearly be preferable to the appeal proposal and the previous consent would not in itself justify favourable consideration of larger extensions.

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<sup>1</sup> 21/00134/FUL

12. The possibility of extensions being undertaken to the property under permitted development rights has been brought to my attention. These are indicated as possibly including a single storey or two-storey extension to the rear and an additional storey to the dwelling. It is contended that these works may result in a dwelling which is larger than the proposal before me, and the appellant's submissions demonstrate how these might potentially be implemented.
13. Despite the submissions, no compelling evidence has been provided to indicate the likelihood of the appellant carrying out such works should the appeal not be successful. Furthermore, in the absence of any confirmation that prior approval has been granted for any of the works which would require it, the acceptability of the works against the conditions set out in conjunction with Classes A and AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) has not been established. Therefore, the possibility of development being undertaken in accordance with these permitted development rights would only attract limited weight in support of the proposal.
14. Several other developments have been outlined by the appellant, including those undertaken at 4 and 8 Ship Cottages, Stock Road, which are both located in the Green Belt and were granted planning permission for residential extensions.
15. Whilst the context of the Framework essentially remains the same, these examples were both considered and determined prior to the adoption of the current Local Plan, which represents a material change in decision-making circumstances. Furthermore, although there are some apparent similarities with the resultant appeal scheme, the premise for the basis of the decision-making in the developments in Stock Road is unclear with neither development being provided with any details of the assessment of inappropriateness required by paragraph 149 of the Framework. In this context, I am mindful that each case must be determined on its own merits, and it has been concluded that the appeal proposal would represent inappropriate development within the Green Belt, as set out in the main reasoning to this decision. I do not therefore attach any significant weight to the potential for the setting of a previous precedent for development.
16. The appellant has indicated that the proposal would provide additional space for their growing family. However, whilst I have had regard to the personal circumstances of the appellant in this respect, I am satisfied that as a private benefit this is a matter which would attract only limited weight in support of the proposal. I also agree that there would be some economic benefits presented by the development, such as the employment of local tradespersons, but this again would be limited by virtue of the quantum of development and would equally be a benefit of the previously consented scheme.
17. It is noted that the proposed development received no objections from third parties and would complement the design and style of the host property and have no effect on the character and appearance of the surrounding area or the living conditions of the occupiers of neighbouring dwellings. However, the lack of harm on these issues does not amount to a positive benefit but a neutral factor only in my consideration of this case.

## **Conclusion and Recommendation**

18. 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 policies DM11 and S11 of the Chelmsford Local Plan (2020) which seek to protect the Green Belt, along with the Green Belt objectives of the Framework.
19. 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**

20. 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