
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: 15 February 2022

Appeal Ref: APP/H1515/D/21/3280387

Spinney Lodge, First Avenue, Hook End CM15 0HL

- 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 Thomas Young (PSG Law Ltd) against the decision of Brentwood Borough Council.
 - The application Ref 20/01687/HHA, dated 18 November 2020, was refused by notice dated 14 May 2021.
 - The development proposed is a two-storey side extension for a disabled individual and associated external works.
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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 detached dwelling with an attached garage, is located within a semi-rural area and is set partially within the Green Belt. The proposal would replace the existing garage with a two-storey side extension, to be used as an annexe to the main dwelling which would be located within the Green Belt boundary.
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. Policies GB1 and GB2 of the Brentwood Replacement Local Plan (2005) are generally consistent with the Framework's approach.

6. The original dwelling is not located in the Green Belt. However, previous extensions to the property have been undertaken which do fall within the Green Belt boundary. The Council have indicated that these previous extensions amount to a floorspace of 79m² and that the proposal would result in a total of 190m² of development within the Green Belt. The appellant has confirmed the same figures within their appeal statement.
7. The existing extensions, along with the proposed development, therefore represent entirely new additions within the Green Belt when compared to the original dwelling. Although the appellant has stated that the proposal would be an infill development which would not contribute to urban sprawl, the addition of a two-storey extension would result in a significantly larger dwelling than the original, with a greater volume and bulk. The proposal would also result in a much larger proportion of development within the Green Belt boundary to a level which is over and above that of the original dwelling.
8. Therefore, it is considered that 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.
9. 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

10. The proposed development would create an extended dwelling which would be larger than the existing building. Due to an increase in the volume and bulk of the building, the proposal would have a significant spatial impact on the openness of the Green Belt.
11. Furthermore, although views of the extension would be partially screened from the public realm by a fence and mature landscaping, there would still be short range views of the proposal from First Avenue, thereby eroding the visual openness of the site. This would not be mitigated by the large size of the plot. Therefore, there would be both spatial and visual impact to the openness of the Green Belt from the proposed extension, in that it would be reduced.
12. 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

13. In determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity.

14. The appellant has submitted supporting evidence which sets out the specific needs and personal circumstances of an occupier of the property and the contended justification for the extension of the dwelling, and I am satisfied that consideration of the needs of the occupier would fall within the auspices of the PSED.
15. The appellant indicates that the building provides the most compact dimensions possible to fulfil its requirements and purpose. However, whilst the current needs of the occupier are understood in respect of independent living and the provision of accommodation for a carer I am not persuaded that it is also reasonable to make provision for further additional accommodation to meet all possible eventualities and requirements that may or may not arise during the future lifetime of the occupier. On this basis, I find the extent of the proposed accommodation to be excessive.
16. I have also had regard to the absence of any detailed information submitted to indicate why the provision of the accommodation could not be made in an alternative form either outside of the Green Belt boundary on the remainder of the appeal site, or within the existing dwelling. I therefore find the PSED only attracts moderate weight in support of the proposal.
17. The appellant states that the proposal would not impact the living conditions of the occupiers of neighbouring properties and would not dominate the garden or the setting of the appeal site. The Council agrees with these findings. This lack of harm is a neutral factor in my consideration of the 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 GB1 and GB2 of the Brentwood Replacement Local Plan (2005) 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