
Appeal Decision

Site visit made on 22 February 2022 by Emma Grierson BSc (Hons) MSc MRTPI

Decision by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2022

Appeal Ref: APP/H1515/D/21/3280326

Oak Hill, Beggar Hill, Fryerning CM4 0PN

- 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 J George against the decision of Brentwood Borough Council.
 - The application Ref 21/00537/HHA, dated 26 March 2021, was refused by notice dated 14 May 2021.
 - The development proposed is side and rear extensions.
-

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;
 - Whether the proposed development would preserve or enhance the character or appearance of the Fryerning Conservation Area, 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 and a detached garage, is located within a rural area within the Green Belt. The proposal would introduce two two-storey extensions to either side of the dwelling along with a subterranean basement, driveway and timber access gates.
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 or Policy GB1 and GB2 of the Brentwood Replacement Local Plan (2005). These policies state that development in the Green Belt will only be permitted in very special circumstances, including the extension of existing buildings, and that new development will need to ensure that it does not conflict with the purposes of including the land in the Green Belt and does not harm the openness of the Green Belt. Whilst this is different from the wording in the Framework, the general objectives are consistent and an assessment of whether the proposed development would be disproportionate in the context of paragraph 149 is therefore a matter of planning judgement.
7. The Council and appellant agree that the building has undergone no previous extensions and therefore the original building is the dwelling at present. Both parties also concur that the proposed development would increase the floor area of the appeal property by 72.5% and the footprint by 38.17%. The appellant also indicates that there would be a volume increase of less than 50%, however no calculations have been provided to support this.
8. Nevertheless, and being mindful that such numerical calculations are not explicitly supported within Policies GB1 and GB2 or within the Framework, I have assessed the impact of the proposal on its own individual merits. The appeal decision¹ for an extension to a building in the Green Belt, as referenced by the appellant, is consistent with this approach which as well as the numerical calculations also considers the scale, bulk, massing and built form that would result from the proposed development.
9. Whilst the appeal dwelling is set within a large and spacious site, the proposed extensions and alterations, including the proposed driveway and access gates, would result in a significantly greater level of built form on the site than at present. The proposed extension on the western elevation of the dwelling may constitute an infill component which would only amount to a very minor increase in the overall size of the dwelling. However, due to the considerable depth, width and height of the two-storey element, the proposed extension on the eastern flank of the building would represent a much larger and bulky addition to the property. Furthermore, whilst not visible, the basement would also represent a significant increase in the size of the overall property.
10. Therefore, the size and scope of the proposed development as a whole would be disproportionate to the size of the original building and would not fall under the exception within Paragraph 149 of the Framework. 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

11. As the proposed basement would be subterranean and not externally visible, it would have no harmful impact on visual or spatial openness of the Green Belt. Due to its nature, the proposed driveway and entrance gates would result in

¹ APP/B3030/D/19/3241277

limited spatial harm. However, it would be a visible entrance to the site which would be more noticeable than the present entrance and therefore would have some visual impact on the openness of the Green Belt.

12. Due to the distance of the appeal property from the road and the positioning of the proposed extensions to the side and rear of the dwelling, these 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 extensions 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 some aspects of the proposal would not impact the openness of the Green Belt, the overall proposal would impact both visual and spatial openness and would still result in moderate harm to the Green Belt.
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.

Character and Appearance

14. The appeal site is also located within the Fryerning Conservation Area which is a designated heritage asset. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
15. The majority of the properties within the Conservation Area are large, detached dwellings located on relatively spacious plots which are rural and verdant in nature and typically traditional in design. This is the basis for its significance. The appeal property is an arts and crafts style dwelling and its character makes a positive contribution to the significance of the Conservation Area.
16. Whilst the property makes a positive contribution to the Conservation Area, due to the location of the dwelling on the appeal site set back significantly from the road, there are only limited views of the dwelling from the public realm. Although the proposed extensions are large additions to the dwelling, they would only be viewed from long distances and therefore any imbalances to the host architecture would not impact the character or appearance of the Conservation Area as a whole. The building would retain its arts and crafts character and irregular shaping due to the in keeping design of the proposed extensions and although the proposed dormer on the rear elevation would be less spaced out, its traditional style would still match the other dormers on the property and would therefore not appear ill-placed. The proposed extensions would therefore have a neutral impact on the dwelling's contribution to the significance of the Conservation Area.
17. Due to the placement of the proposed extensions and additions, the proposal would have no impact on the existing trees on the site and a limited impact on the overall landscaping and the sites verdant nature. It is also noted that the design of the proposed timber gates could be secured by condition to ensure they are in keeping with the character of the Conservation Area. Furthermore, evidence of structural design in relation to the construction of a basement is not necessary and the structural integrity of the building could also be guaranteed by condition before works commence.

18. For the reasons above, I conclude that the proposed development would preserve the character and appearance of the Fryerning Conservation Area. Therefore, the proposal would not conflict with Policies CP1 and C14 of the Brentwood Replacement Local Plan (2005) which seek to ensure that new development conserves or enhance the historical heritage of the site and the surrounding area, with alterations to buildings in Conservation Areas being appropriate and sympathetic in design, scale, material and colour to the rest of the building. It would also be in accordance with the heritage objectives in the National Planning Policy Framework.
19. Policy C8 of the Brentwood Replacement Local Plan (2005) relating to special landscape areas is not relevant to the proposal before me.

Other Considerations

20. The appellant has stated that the proposal would have no harmful impact on nearby listed buildings, the living conditions of neighbouring occupiers or highway matters such as parking and access. 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

21. Whilst I have found no harm to the character or appearance of the Fryerning Conservation Area, 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.
22. 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

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

Zoe Raygen

INSPECTOR