
Appeal Decision

Site visit made on 25 April 2022

by J L Cheesley BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/W1525/D/21/3287570

Mapletree Cottage, Brook Lane, Great Baddow, Chelmsford, Essex CM2 7SX

- 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 Jon Gower against the decision of Chelmsford City Council.
 - The application Ref 21/01376/FUL was refused by notice dated 3 September 2021.
 - The development proposed is roof extension, removal of conservatory and single-storey rear addition.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be:

whether the proposal would amount to inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies, and if so, 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 the proposal; and

the effect of the proposal on the openness of the Green Belt.

Reasons

3. The Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The construction of new buildings in the Green Belt is inappropriate unless in accordance with exceptions in the Framework. These include the extension or alteration to a building provided that it does not result in disproportionate additions over and above the size of the original building.
4. Strategic Policies S1 and S11 in the Chelmsford Local Plan (2020) seek to protect the openness and permanence of the Green Belt. Policy DM6 refers to new buildings within the Green Belt and states that planning permission will be granted for a list of exceptions to inappropriate development. This list includes

- extensions and alterations to buildings in accordance with Policy DM11. That policy specifies Framework policy with regard to disproportionate additions and seeks to ensure that proposals are in keeping with the context and surroundings and do not result in any other harm.
5. For the purposes of Policy DM11 the Council assesses 'original building' as that as built at 1 April 1974, or if built after that date, as originally built. For the appeal property, the Council has determined that the original building had a floor area of approximately 70sqm and a volume of approximately 229 cubic metres. The appellant's calculations have determined that the original building had a similar floor area of approximately 71sqm. The property has subsequently been extended. It has recently been further altered from the plans and drawings of the existing building submitted as part of the planning application.
 6. The proposal includes a single-storey extension and raising the roof with additional dormers inserted. The Council has stated that the additional floor area and volume would both be about three times that of the original dwelling. Whilst the overall depth and width of the existing dwelling would not be increased, the increase in height and subsequent bulk, together with the increase in floor area and volume have led me to conclude that the proposed extensions would constitute disproportionate additions to the original dwelling. Thus, the proposal would be inappropriate development in the Green Belt.
 7. Added to the harm of being inappropriate development is the impact that the proposal would have in diminishing the sense of openness of this part of the Green Belt. The property lies in a rural area at the end of a sporadic group of buildings. The proposal would add an intensification of urbanising domestic built form to this rural setting. Whilst the rear would be shielded from public view to some extent, the bulk and height of the proposed built form would further diminish the sense of openness of this part of the Green Belt.

Other Considerations

8. The appellant has referred to permitted development rights, which would result in extensive areas of flat roof. At the time of my site visit, there was a flat roof rear addition that had not been shown on the existing plans submitted with the planning application. Permitted development rights are a material consideration. Nevertheless, they would not result in the bulk and height of the proposal before me. Thus, I have attributed this matter limited weight in my determination of this appeal.
9. I have been referred to an Appeal Decision Ref: APP/W1525/D/20/3250124 for extensions to another dwelling in the Green Belt. I have taken that decision into account but have reached a different conclusion based on the individual merits of the proposal before me. I have attributed some weight to that Appeal Decision in my determination of this appeal.
10. As a consequence of the appellant submitting a Bat Scoping Survey as part of the appeal documents, the Council has stated that an additional reason for refusal would have been added. The Bat Scoping Survey found that the property had moderate potential for roosting bats. The Council was of the view that there was inadequate information to demonstrate that the proposal would not harm protected species or their habitat. This is a material consideration.

However, as I have dismissed the appeal on another matter, I have not considered it necessary to seek views on this matter from the appellant.

Conclusion

11. In reaching my conclusion, I have had regard to all matters raised. It is necessary to determine whether there are other considerations which clearly outweigh the harm to the Green Belt, and any other harm, hereby justifying the proposal on the basis of very special circumstances. The proposal would constitute inappropriate development in the Green Belt and would diminish the sense of openness of this part of the Green Belt. The considerations advanced in support of the proposal do not clearly outweigh the harm it would cause to the Green Belt. In conclusion, I am of the opinion that there are no material factors that would amount to the very special circumstances needed to clearly outweigh the presumption against inappropriate development in the Green Belt. For the reasons stated above, the proposal would be contrary to policy outlined in the Framework, Local Plan Strategic Policies S1 and S11 and Policies DM6 and DM11.

J L Cheesley

INSPECTOR