



Appeal Decision

Site visit made on 17 May 2022

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2022

Appeal Ref: APP/B1550/D/21/3279661

Peartree Cottage, Holyoak Lane, Hawkwell SS5 4JD

- 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 Simon Horsley against the decision of Rochford District Council.
- The application Ref 21/00117/FUL, dated 1 February 2021, was refused by notice dated 3 May 2021.
- The development proposed is described as "add first floor over top of extg single storey to east side of property to form additional bedroom and en-suite and infill the small, rebated area on the south side between lounge and dining room to form an extended lounge space. Upgrade extg dilapidated black shiplap timber cladding with an insulated render to the overall building to provide a warmer family environment".

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy,
 - the effect of the proposal on the openness of the Green Belt, and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Inappropriate Development

3. The appeal site lies within the Green Belt. Policy DM17 of the Rochford District Council Development Management Submission Document 2013 (DMSD) states that extensions to dwellings within the Green Belt will be considered favourably where it would not result in more than a 25% increase in internal floorspace of the original dwelling.
4. The Framework states at paragraph 137 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Furthermore, the essential characteristics of the Green Belt is their openness and permanence. The construction of new buildings should be regarded as inappropriate in the Green Belt, other than in a limited range of specified exceptions, as set out in Paragraphs 149 and 150 of the Framework.

5. Thus, in accordance with paragraph 149 c) of the Framework, as the development proposes the extension of a building, it need not be considered as inappropriate development within the Green Belt, provided it does not result in disproportionate additions over and above the size of the original building. The Framework clarifies that original building is that which existed on 1 July 1948, or if constructed after that date, as it was built originally. As the Framework does not define what is considered to represent a "disproportionate addition", it would be a matter of planning judgement, based upon the facts of the case.
6. The proposal seeks to alter and extend the property through a first floor side extension, and a single storey infill extension to the rear of the building. The Council calculate that the dwelling as originally constructed equated to some 87 sq. m. Thus, a 25% internal increase would be some 22 sq. m. The planning history for the property reveals that it has been the subject of a number of additions which collectively, have increased the size of the building by almost 90 sq. m. Therefore, coupled with the proposed extension, the resultant building would be some 134 sq. m larger than the original building. This is far in excess of the 25% enlargement permitted by the DMSD and cannot be considered as anything other than disproportionate additions over and above the size of the original building.
7. Therefore, the previous and proposed extensions 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 c) of the Framework, relating to the extension or alteration of a building, and would be inappropriate development within the Green Belt.

Openness

8. In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
9. The proposed development would create an extended dwelling which would be disproportionate in size to the original 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. Therefore, there would be an adverse impact on the openness of the Green Belt from the proposed extension, in that it would be reduced.
10. I acknowledge that the appeal site is not readily visible from public views. However, even accounting for the lack of visual harm, the development would increase the overall bulk of the dwelling, resulting in spatial harm to the Green Belt. The Framework is very clear at paragraph 148 that substantial weight should be given to any harm to the Green Belt, and development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations

11. The appellant argues that due weight should be given to the size of the site and the distance from neighbouring properties. However, this reasoning is not unique to the appeal site and would apply equally to other, similar properties in the Green Belt. Thus, the weight I afford this argument is limited.

12. The appellant has provided photographs of the appeal building and states that the development would allow the internal arrangement of the property to be revised, allowing a safer and easier access for the appellant's children and the functioning of the household. While I note the benefits that would result in this respect, and indeed that resulting from the removal of hardstanding from the appeal site, these are private benefits that would attract limited weight in support of the proposed development.
13. I have been directed to properties to the south of the appeal site that includes new dwellings, extensions and outbuildings. However, I have not been provided with any information relating to these developments in order that I may make a direct comparison to the proposal before me. In any event, I have considered this appeal on its own merits which is a fundamental principle that underpins the planning system.
14. It is noted that the development 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.
15. The previous owner's relationship with the Council has been highlighted, which is considered to be directly related to the appellant. However, such matters are not relevant to the issue at hand.

Green Belt Balance and Conclusion

16. The proposal would be inappropriate development in the Green Belt in that it would result in disproportionate additions over and above the size of the original dwelling. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
17. Limited weight is afforded to the size of the appeal site, the distance of the appeal building from neighbouring properties and the private benefits of the development. Therefore, they do not represent the very special circumstances required to clearly outweigh the harm to the Green Belt.
18. The proposals would be inappropriate development in the Green Belt and would therefore not accord with the Framework. Consequently, there are no other material considerations that indicate that the appeal should be determined other than in accordance with the development plan. Accordingly, the proposal would be contrary to Policy DM17 of the DMSD and paragraphs 147, 148 and 149 of the Framework. Thus, the appeal is dismissed.

Graham Wyatt

INSPECTOR