



Appeal Decision

Site visit made on 6 September 2022 by Hilary Senior BA (Hons) MCD MRTPI

Decision by Chris Forrett BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2022

Appeal Ref: APP/W1525/D/22/3290657

Ellenridge Rectory Lane, Battlesbridge, Wickford, SS11 7QR

- 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 & Mrs S Oddy against the decision of Chelmsford City Council.
 - The application Ref 21/01888/FUL, dated 16 September 2021, was refused by notice dated 22 November 2021.
 - The development proposed is single storey side extension.
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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.

Preliminary Matters

3. The address in the banner heading above is taken from the appeal documents and the Councils decision notice rather than the application form.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - the effect on the openness of the Green Belt.
 - whether any harm by reason of inappropriateness, and any other harm, would 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 the proposal would be inappropriate development

5. The appeal site, which lies within the designated Green Belt, is a detached single storey dwelling set back from the highway with a driveway and parking area to the front.
6. Paragraph 137 of the Framework outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their

- permanence. The Framework, at paragraphs 149 and 150, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.
7. Paragraph 149c) sets out that new buildings within the Green Belt are inappropriate unless any extension or alteration of a building is such that it does not result in disproportionate additions over and above the size of the original building. In this case, the appeal dwelling was constructed in 1991 and this is the starting point for the consideration of whether the proposal is inappropriate development.
 8. The Framework does not define what a disproportionate addition would be. An assessment of whether the proposal would be disproportionate to the original building is therefore a matter of planning judgement, but the overall size of the building (either in terms of footprint, floorspace or volume) are clearly important factors.
 9. The appeal property has had a loft conversion in the mid 1990's which has increased the level of floorspace in the dwelling. However, as I understand it, whilst this conversion resulted in an increase in floor area it did not result in an increase in the physical size of the building.
 10. From the figures provided to me, which relate to the floorspace of the host dwelling and the proposal, there is disagreement between the parties on the size of the original building. The council state that it was around 93.6 square metres whilst the appellant claim it was around 138 square metres. However, it is unclear whether the appellant has included the loft space in that calculation. From the submitted plans, it would appear to me that the ground floor area of the original property is not significantly larger than that of the appeal proposal, which leads me to the view that the Councils figure is the more accurate one.
 11. Notwithstanding that, the appeal proposal would result in a significant increase in the footprint of the dwelling and this is evident from looking at the submitted plans. Whilst the exact figures in relation to footprint or building volume have not been provided to me, it is abundantly clear that the extent of the extension would be disproportionate to the original dwelling in terms of its footprint, and to a lesser extent, volume.
 12. Alternatively, in the absence of firm evidence on the increase in volume or floorspace from the original building, another way of assessing the matter is to consider the visual impact of the proposal against the appearance of the original building. It seems to me that in this case the bulk, massing and footprint of the side extension would appear as a substantial extension to the dwelling. As such it would appear visually disproportionate to the original building principally as a result of its size.
 13. Taking all of the above factors into account, the proposal would represent a disproportionate addition to the dwelling and would not therefore fall within the exception set out in paragraph 149c) of the Framework. It therefore follows that it would be inappropriate development in the Green Belt. It would also be contrary to Policy DM11 of the Chelmsford Local Plan (2020) (LP) which has similar aims.

Effect on openness

14. One of the five purposes of a Green Belt, outlined at paragraph 138 of the Framework, is that it should assist in safeguarding the countryside from encroachment.
15. The proposal would increase the size of the dwelling through the addition of a side extension. Consequently, as a result of the increase in built form, the proposal would also harm the openness of the Green Belt in both visual and spatial terms.
16. In coming to that view, I acknowledge that the property is set on a large plot and has a degree of screening from public vantage points in the area. It would also be seen in the context of the other surrounding development. That said, none of these factors overcome the loss of openness as a result of the additional built form from the extensions to the dwelling.
17. I therefore conclude that the development would lead to a loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment, contrary to the Framework.

Other considerations

18. The appellant has set out a number of points in support of the proposal including that the site is already in residential use and not in the open countryside, the site adjoins other large dwellings and forms an enclave of properties, and it is set on a large plot. Furthermore, it is suggested that it would relate well to existing landscape features and it would be difficult to see from public view points. Additionally, the property has not been physically extended since it was built, it would make a more efficient use of the site, and there would be no loss of residential amenities.
19. In my view these factors have some positive weight in the decision making process, although the amount of positive weight cannot be considered to be great.
20. In addition to the above, I have had regard to the personal circumstances put forward by the appellant, and in particular the medical condition outlined and resultant requirements.
21. I am sympathetic to the needs of the appellant and the circumstances in which they find themselves. However, I am not persuaded, from the information before me, that the extent of the appeal proposal represents the only option to provide the additional living accommodation. Therefore, I can only give this moderate weight in support of the proposal.
22. My attention has also been drawn to other local developments in the area. However, I have not been provided with full details of those developments to know the circumstances under which they were approved. In any event, I have determined this appeal on site specific circumstances of this case. Accordingly, these other developments carry only limited weight in support of the proposal.

Green Belt Balance

23. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special

circumstances. Therefore, substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.

24. I have concluded that the proposal would be inappropriate development in the Green Belt and that it would also have some harm to the openness of the Green Belt.
25. Taking into account all of the other considerations put forward in support of the proposal, I consider that these attract moderate weight in favour of the proposal.
26. Therefore, in considering the substantial weight given to the Green Belt, I conclude that the very special circumstances needed to justify the development in the Green Belt have not been demonstrated. As such the proposal would conflict with the Framework, and Policy DM11 of the LP which together seek to protect the Green Belt.

Conclusion and Recommendation

27. The proposed development conflicts with the development plan as a whole and there are no other considerations, that outweigh this conflict. I therefore recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

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

Chris Forrett

INSPECTOR