



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: 07 November 2022

Appeal Ref: APP/B1550/D/22/3291027

Belle Lodge Lower Road, Hockley, SS5 5LD

- 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 Cole against the decision of Rochford District Council.
 - The application Ref 21/00990/FUL, dated 1 September 2021, was refused by notice dated 29 October 2021.
 - The development proposed is "first floor front extension, raise ridge height, erect dormer to rear and alter elevations."
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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 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

4. The appeal site, which lies within the designated Green Belt, includes a previously extended detached dwelling set back from the road. It is also located in an area with sporadic residential and commercial development.
5. 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.

6. 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 dwelling has previously been extended with several small single storey extensions and dormers to the rear, over and above the original building.
7. 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) is clearly an important factor. Policy DM17 of the Rochford District Council Development Management Plan (2014) (LP) seeks to protect the Green Belt by limiting the increase in internal floorspace of the original dwelling to no more than 25%. It is common ground that in this case the proposed extensions would increase the floorspace by approximately 59% from the original property, which is well in excess of the 25% guideline in Policy DM17.
8. I acknowledge the extension has been designed to increase the height of the dwelling rather than enlarging its footprint. However, the proposal would add to the bulk and massing of the original building, particularly at first floor level, and would significantly increase its height and scale when compared to the original building. This is particularly the case in respect of the front elevation. As such it would appear visually disproportionate to the original building.
9. Taking the above factors into account, the proposal would be a disproportionate addition to the dwelling and would not therefore fall within 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 DM17 of the LP which has similar aims.

Effect on openness

10. 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.
11. The proposal would increase the mass and bulk of the building at first floor level. As the host dwelling is adjoined by open fields, it would be highly visible in the street scene and the surrounding area. Consequently, albeit to a limited degree, the proposal would, in both visual and spatial terms, harm the openness of the Green Belt.
12. 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

13. The appellant's written statement of case suggests that the proposal is not inappropriate development in the Green Belt and as such no other considerations have explicitly been advanced which could be considered to be very special circumstances. That said, I acknowledge the need for additional family accommodation, the generous spatial setting of the host property and that the proposal would integrate with the character and design of other properties in the area.

Green Belt balance

14. 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. The Framework states that 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
15. For the reasons set out above, the development constitutes inappropriate development in the Green Belt. Furthermore, there would be limited harm to the openness of the Green Belt. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt.
16. Taking into account all of the other considerations put forward in support of the proposal, I consider that these only attract very limited weight in favour of the proposal.
17. 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 DM17 of the LP which together seek to protect the Green Belt.

Conclusion and Recommendation

18. 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

19. 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