



Appeal Decision

Site visit made on 2 November 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2022

Appeal Ref: APP/B5480/D/22/3292710

Rose Bank, Broxhill Road, Havering-Atte-Bower, Romford RM4 1QH

- 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 Sudhir Behal against the decision of the Council of the London Borough of Havering.
 - The application Ref P1957.21, dated 10 October 2021, was refused by notice dated 26 January 2022.
 - The development proposed is ground side extension, garage conversion into habitable room.
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Decision

1. The appeal is dismissed insofar as it relates to ground side extension.
2. The appeal is allowed insofar as it relates to garage conversion into habitable room and planning permission is granted for garage conversion into habitable room at Rose Bank, Broxhill Road, Havering-Atte-Bower, Romford RM4 1QH in accordance with the terms of the application, Ref P1957.21, dated 10 October 2021, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: GLA-03, GLA-04, GLA-06, GLA-07 and GLA-10.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matter

3. The description of development in the heading above has been taken from the planning application form which differs from that on the Council's decision notice. In Part E of the appeal form it is stated that the description of development has not changed and neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

4. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt, with due regard to the openness of the Green Belt; and
- Would any 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

Whether Inappropriate Development

5. The appeal site is located within the Metropolitan Green Belt. The National Planning Policy Framework (the Framework) sets out that new buildings within the Green Belt are inappropriate subject to a number of exceptions.
6. Paragraph 149(c) of the Framework sets out that one of these exceptions is 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.
7. Based on the evidence before me, the original building consisted of the dwelling and a garage. The building has been extended and altered subsequently, and based on the appellant's evidence the appeal proposal would result in a cumulative increase in the volume of the building by approximately 113%. From the evidence before me and my observations on site, it is clear that the proposal would contribute to a substantial increase in the volume and bulk of built development compared to the original dwelling, and that this would represent a disproportionate increase in the size of the original building.
8. I have considered other criteria including floorspace and overall dimensions, but these do not lead me to a different conclusion in respect of the disproportionate additions that would result from the appeal proposal.
9. Paragraph 149(e) of the Framework relates to limited infilling in villages, and the appellant submits that the appeal site is within the village of Havering-Atte-Bower. However, the site is part of a small cluster of development that is distinctly separate from the village. I therefore consider that the proposal is not in a village and does not fall within the provision of paragraph 149(e).
10. The appellant also refers to paragraph 149(g) of the Framework which relates to limited infilling or the partial or complete redevelopment of previously developed land (PDL). However, even if I was to conclude that the appeal site is PDL, the Framework requires that the proposal should not have a greater impact on the openness of the Green Belt than the existing development. The proposed extension would be apparent as an increase in the size of the dwelling, even allowing for an existing car port on the site of the proposal. Even though the impact on openness would be limited, the proposal would nevertheless have a greater impact on openness than the existing development and would therefore not meet the requirement of paragraph 149(g).
11. Further to paragraph 149(g), it has also not been demonstrated that the proposal would contribute to meeting a need for affordable housing within the terms of the Framework.

12. Drawing the above together, I conclude that the proposal would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The proposal would also lead to limited harm to the openness of the Green Belt.

Other Considerations

13. The original dwelling was of a limited size, although it has subsequently been extended. It has not been demonstrated that it does not currently provide appropriate living conditions for residents, even allowing for considerations such as home working and recently defined space standards. I am mindful of the wish of the appellant to improve accommodation for their family, but this is a private benefit and carries limited weight in the planning balance.
14. I have also had regard to the Council's policies in respect of housing mix and a need for larger dwellings. However, the contribution from a single dwelling to this would be very limited.
15. The appellant refers to permitted development rights. However, the evidence suggests that the property's permitted development rights in respect of features such as outbuildings and porches has been removed by a previous planning permission. Consideration of such permitted development rights does not therefore weigh in favour of the proposal.
16. Considered individually and cumulatively, these other considerations carry no more than limited weight in favour of the appeal.
17. The Council's reason for refusal does not refer to matters such as character and appearance or the effect on living conditions. However, a lack of harm is not a benefit, and is a neutral consideration in the overall planning balance.

Other Matters

18. My attention has been drawn to an appeal decision¹ for a nearby site where it was concluded that an extension would not represent inappropriate development in the Green Belt. However, that decision states that it is not fully clear from the appeal submissions or site inspection how the size of the original building may have changed as a result of permitted extensions. In contrast, the evidence before me is clear in respect of the size of the original building, and that appeal decision does not therefore represent a direct parallel to the case before me, which I have determined on its individual merits.
19. I note the correspondence provided by the appellant in relation to the advice from the Council and the decision process leading up to this appeal. However, this is not a matter for this appeal which I have determined on its planning merits.

Planning Balance and Conclusion

20. The limited weight from the potential benefits arising from the proposal would be far outweighed by the substantial weight that must be given to the harm arising from inappropriate development, and the limited harm to the openness of the Green Belt. Very special circumstances to justify the proposal do not therefore exist. The proposal would therefore be contrary to the Framework with regards to protecting Green Belt land.

¹ Appeal Ref: APP/B5480/D/19/3231924

21. The appellant refers to the presumption in favour of sustainable development and paragraph 11(d) of the Framework. However, the policies of the Framework in respect of protecting designated Green Belt land provide a clear reason for refusing the development, and on the basis of Footnote 7 of the Framework the 'tilted balance' of paragraph 11(d) is not engaged.
22. The proposal includes the conversion of a garage to a habitable room. This element of the proposal would not lead to an increase in the size of the building and would not harm openness. The conversion of the garage would therefore not represent inappropriate development in the Green Belt. This element of the proposal is clearly severable from the proposed extension. I shall therefore issue a split decision to dismiss the appeal in respect of the side extension, but allow it in relation to the conversion of the garage.
23. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance. In addition to the standard 3 year time limitation for commencement, a condition requiring the development to be carried out in accordance with the submitted plans is necessary to provide certainty. A condition in respect of materials is appropriate in the interests of character and appearance. Conditions in relation to the use of the roof area and the withdrawal of permitted development rights in respect of windows in flank walls are not necessary as these relate to the ground side extension, in respect of which I have refused planning permission.

David Cross

INSPECTOR