



Appeal Decision

Site visit made on 6 September 2022 by Darren Ellis MPlan

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2022

Appeal Ref: APP/V1505/D/22/3292990

Oak Croft, Green Lane, Billericay CM12 9TT

- 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 Paul Clary against the decision of Basildon Borough Council.
 - The application Ref 21/01523/FULL, dated 7 October 2021, was refused by notice dated 7 December 2021.
 - The development proposed is a two storey rear 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.

Procedural Matters

3. The description of development in the banner heading above has been taken from the planning application form, as this is what planning permission was being sought for. Furthermore, this description is also found on the Decision Notice and appeal form. The appellant has stated that the description should be amended to include a reference to the demolition of an existing rear extension. However, it is clear from the submitted plans that the existing extension would be replaced as part of this proposal, and it is therefore unnecessary to amend the description of development above.
4. The Decision Notice and the Council's delegated report both make reference to policies from the Basildon Borough Publication Local Plan 2014-2034 (BBPLP), which was under examination at the time of the decision on the planning application. The BBPLP has since been withdrawn, and as such no weight is afforded to its policies.

Main Issues

5. The appeal site is within the Green Belt and so the main issues are:
 - whether the proposal would be inappropriate development for the purposes of development plan policy and the National Planning Policy Framework (the Framework);
 - the effect of the proposal on the openness of the Green Belt;
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- the effect of the proposal on the character and appearance of the host dwelling; and
- if the proposal would be inappropriate development, 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 it.

Reasons for the Recommendation

Whether the proposal is inappropriate development

6. The Framework establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building. This is provided that the extension would not result in a disproportionate addition over and above the size of the original building. The Framework defines 'original building' as a building as it existed on 1 July 1948, or, if constructed after that date, as it was built originally. It does not however define 'disproportionate'.
7. As the previous dwelling has been demolished and no longer exists, and as the current building was constructed after 1 July 1948, the current dwelling constitutes the 'original building' for the purposes of the Framework. Any comparisons to the size of the previous building are therefore not relevant in this case.
8. Saved Policy BAS GB4 of the Basildon District Local Plan Saved Policies (September 2007) (LP) sets out that dwellings in the Green Belt can be extended so that they would be a maximum of 90 square metres in floor area, or by 35 square metres, whichever is the greater, and subject to certain other criteria set out in the policy.
9. However, I note that the Supplementary Note, dated 10 October 2018, states that Policy BAS GB4 is only 'generally compliant' with the 2018 Framework and therefore 'less weight can be given to this policy'. Although the Framework has been amended since 2018, the wording of Green Belt policies and exceptions for development in paragraph 149 have not been changed. As such the findings of the Supplementary Note are relevant to the current Framework.
10. Given the absence of a definition of a 'disproportionate' addition within the Framework, it is common for guidelines and policies to be set within Local Plans to reflect local circumstances. Such local criteria will often specify volumetric or floorspace limits. Notwithstanding that there is a degree of inconsistency between LP Policy BAS GB4 and the Framework, the numerical increase in floorspace approach set out in that policy is one factor to be taken into consideration in an assessment of whether the increase in the size of the building would be disproportionate.
11. The Council asserts that the floorspace of the proposed two-storey extension would be approximately 50.74 square metres, although it is not clear how this figure has been calculated. The Council's report does not specify whether the removal of the existing single-storey extension has been taken into account or what the net increase in floor space would be. The appellant contests the Council's figure and provides calculations that show the total increase in floor space, including the removal of the existing extension, would be 64.8 square

metres. Such an increase would substantially exceed the 35 square metres threshold set out in Policy BAS GB4.

12. Size is, however, more than a function of floorspace and includes bulk, mass, and height. In this case, the proposed two-storey extension would span most of the width of the house, would be almost as high as the main roof and would project approximately 4.4m from the rear elevation. Although the existing single-storey rear extension would be removed, the substantial scale and massing of the proposed extension would result in considerable bulk being added to the dwelling.
13. For these reasons, in my judgement the proposal would amount to a disproportionate increase above the size of the original building. The increase in floor space would be substantial in terms of the numerical calculation alone and there would be a significant increase in its scale, bulk and massing.
14. In view of the above, the proposal would be inappropriate development which is, by definition, harmful to the Green Belt. The proposal would conflict with Paragraph 149(c) of the Framework and with LP Policy BAS GB4, albeit that the weight arising from the conflict with that policy attracts more limited weight, due to its degree of inconsistency with the Framework.

Openness of the Green Belt

15. Openness is an essential characteristic of the Green Belt. The Planning Practice Guidance states that openness is capable of having both spatial and visual aspects, so that both the visual impact of the proposal and its volume may be relevant.¹
16. The proposed extension would increase the visual and spatial bulk and massing of the dwelling and would therefore result in a reduction in the openness of the Green Belt. However, given the appeal dwelling's position amongst other dwellings, that harm would be limited. Nonetheless, one of the fundamental aims of Green Belt policy is to keep land permanently open and, having regard to the Framework, I afford this harm substantial weight, in addition to the harm by reason of its inappropriateness.

Character and appearance of the host dwelling

17. The host property is a detached chalet-style dwelling, with front and rear dormers providing habitable accommodation in the roof space at the first-floor level. The ridge height of the proposed extension would be very slightly set down from the ridge of the main roof, whilst the eaves height would be considerably higher than the existing eaves level. The pitch of the roof would be shallower than the pitch of the main roof, while the oversailing eaves at the rear and proposed fenestration would not match the existing dwelling. Furthermore, due to a combination of its width and shallow pitch, the gable would have an unduly horizontal emphasis which would be discordant with the proportions of the existing dwelling. Overall, the scale, roof design and fenestration of the proposed two-storey extension would be at odds with the existing chalet-style dwelling.
18. Although the proposed extension would not be visible from the street, the proposal would detract from the character and appearance of the host dwelling.

¹ Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722

Consequently, it would conflict with LP Policy BAS BE12, which requires, amongst other things, that development including extensions to existing dwellings should not harm the character of the surrounding area.

19. Notwithstanding the age of the LP, Policy BAS BE12 aligns with the design aims of the Framework and as such I afford full weight to the conflict with this policy.

Other considerations

20. My attention has been drawn to the property opposite, named 'Mae-Val', which had planning permission granted by the Council in 2018 for a part single/two storey rear extension². The appellant states that the floorspace increase at Mae-Val is similar to that of the appeal proposal. However, the two-storey part of the extension at Mae-Val spans less of the rear elevation than the appeal proposal would. Furthermore, the eaves level matches that of the existing roof which is not the case in the proposal before me. The Council concluded that the design of the extension at Mae-Val contributed to it not being disproportionate to the existing dwelling. Given the differences in design, the extension at Mae-Val is not directly comparable to the circumstances of the scheme before me.
21. The appellant also states that planning permissions have also been granted for extensions at other dwellings in the area including 'The Burrs', 'Many Berries' and 'Dagmar'. I have not been provided with any details of these extensions or permissions, so I am unable to compare them to the appeal proposal. In any event, this case has been determined on its own merits.
22. I understand that the proposal would improve the amount of habitable space and living conditions of the appellant, however, it is possible that this benefit could be achieved by an alternative scheme that would not conflict with the development plan or the Framework. I therefore attach only limited weight to this benefit.
23. I note that no objections to the scheme have been received from Little Burstead Parish Council, however this is a neutral factor which does not weigh in favour of the proposal.
24. Even if the Council has not been able to achieve the required housing targets and a future development plan allocates Green Belt land for housing, the appeal proposal is for an extension to an existing dwelling and would not contribute to any housing targets. Furthermore, until such time as a new development plan is adopted, the current Local Plan policies remain in force.

Whether very special circumstances exist

25. The proposed extension would cause harm to the Green Belt by way of inappropriateness and by the reduction in openness, to which I afford substantial weight. The proposal would also cause harm to the character and appearance of the host dwelling.
26. The Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The other considerations

² Planning application ref. 18/01015/FULL

identified above do not clearly outweigh the totality of the harm. Consequently, the very special circumstances necessary to justify the extension do not exist.

Conclusion and Recommendation

27. There are no material considerations which indicate that a decision should be made other than in accordance with the Framework and the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

28. I have considered all the submitted evidence and the Appeal Planning Officer's report and I agree with the recommendation that the appeal should be dismissed.

Sarah Housden

INSPECTOR