
Appeal Decision

Site visit made on 7 December 2022

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2022

Appeal Ref: APP/M1595/D/22/3296406

13 Cherry Tree Drive, South Ockendon, RM15 6TP

- 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 Gary Lucas against the decision of Thurrock Borough Council.
 - The application Ref 21/02029/HHA, dated 24 November 2021, was refused by notice dated 2 February 2022.
 - The development proposed is a single storey outbuilding ancillary to the main house.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey outbuilding ancillary to the main house at 13 Cherry Tree Drive, South Ockendon, RM15 6TP in accordance with the terms of the application, Ref 21/02029/HHA, dated 24 November 2021, and drawing nos B.EX.0.1, D.PR.2.1, D.PR.3.1, D.PR.1.1 and D.PR.1.2

Main Issues

2. These are:
 - Whether the outbuilding is inappropriate development within the Green Belt; and
 - The effect on the character and appearance of the area.

Reasons

Whether inappropriate development

3. The National Planning Policy Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate unless one of the specified exceptions applies. These include the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building. Policy PMD6 of the Core Strategy and Policies for Development Management establishes that this means no larger than two reasonably sized rooms.
4. The garden room and store has been built at the end of the modest garden at No 13 but has not been completed. In view of its intended use and siting in relation to the main dwelling, the building can be treated as a domestic adjunct and considered against Policy PMD6. The Council states that the habitable floor space of the original building is 56 sq m. However, the appellant's figure of 99 sq m is more realistic for a 3 bedroom detached house and should be relied upon. Applying the same percentage allowance as the Council of about 40%,

the size of the outbuilding (20 sq m) plus the rear conservatory (13 sq m) is within the tolerance of two reasonably sized rooms allowed for by local policy.

5. Therefore the proposal does not amount to a disproportionate addition to the original building and it is not inappropriate development within the Green Belt. Because of this, the building is not harmful to openness or to any of the purposes of the Green Belt. It accords with the provisions of Policy PMD6.

Character and appearance

6. The appeal property is part of a housing estate built following the grant of outline planning permission in 1994.
7. There are small sheds within some of the surrounding gardens and a larger outbuilding at No 11, although this is not as wide as the proposal. Whilst the wedge-shaped footprint of the appeal building is greater than those nearby, the effect on the wider area is insignificant due to its fairly discrete position and limited height. The overhanging eaves, rendered walls and flat roof give a modern appearance which is acceptable in this context. The garden room does not stand out as an incongruous feature when viewed from Cherry Tree Drive but rather blends into the backdrop of other buildings and fencing.
8. The available external space has been reduced but a reasonable gap remains between the building and the rear of the house. There is no objection on the basis that the total area of the curtilage covered by buildings exceeds the standard in the *Residential Alterations and Extensions* Supplementary Planning Document (SPD). Furthermore, the outbuilding is subservient in scale to the main house as it is equivalent to about 20% of the floor area. Although occupying most of the width of the plot, it is not unduly large or dominant.
9. Therefore, the form and scale of the outbuilding is appropriate to the original dwelling and the surrounding development pattern as expected by the SPD. There is no harm to the character and appearance of the area. As such, there is no conflict with Policies CST22 and PMD2 of the Core Strategy which are concerned with design and layout.

Other Matters

10. The building is close to the boundaries with neighbouring properties. Although it protrudes above the height of the fence, this is not by an excessive amount. Due to the distance to the nearest dwellings, the effect on light and outlook is within reasonable limits. There are no flank or rear windows so no overlooking occurs. The internal use of the garden room is no more likely to lead to excessive noise than outdoor use of the garden. Surrounding residents were understandably concerned about the building going up without their prior knowledge, but this has no real bearing on the assessment undertaken.

Conditions

11. There is no need to specify that the planning permission has effect from the date of the decision as this is implicit. Given that development has been carried out, the drawings are referred to in the decision above rather than by condition. Similarly it is unnecessary to require the external finishes to be undertaken as detailed in the application. The use of the building as a separate or independent unit of accommodation would require planning permission in any event and so a condition restricting such a change is superfluous.

Conclusion

12. The outbuilding that has been constructed is in accordance with the development plan and there are no other material considerations to the contrary. Therefore, for the reasons given, the appeal should succeed.

David Smith

INSPECTOR