



Appeal Decision

Site visit made on 24 January 2023

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/V1505/W/22/3304139

**Barn Cottage, Tye Common Road, Little Burstead, Billericay, Essex
CM12 9SS**

- 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 Vincent Morris against the decision of Basildon Borough Council.
 - The application Ref 22/00466/FULL, dated 31 March 2022, was refused by notice dated 23 May 2022.
 - The development proposed is extensions with internal and external alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Act) requires special regard to be paid to the desirability of preserving the building or its setting. In addition, Section 72(1) of the Act requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. I have therefore had regard to these statutory duties in my assessment of 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 (Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on Little Burstead Conservation Area (LBCA) and the setting of a nearby Grade II* listed building; and
 - 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

Inappropriateness

4. The Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt. Exceptions to this include 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.
5. Policy BAS GB4 of the Basildon District Local Plan Saved Policies September 2007 (LP) states that in the Green Belt dwellings will be allowed to extend to 90 square metres or by 35 square metres over and above the original floor area of the dwelling (or the area as at 1 July 1948), whichever is the greater, subject to a number of criteria.
6. The proposed extensions seek larger additions than stated in LP Policy BAS GB4. Accordingly, the proposal would conflict with this Policy.
7. LP Policy BAS GB4 sets out the amount of floor area permitted over and above the original floor area of the dwelling in fixed numerical terms rather than as a proportion or percentage of the original dwelling. As such, the Policy is not wholly consistent with the Framework in this respect, which requires extensions in the Green Belt to be assessed in terms of proportion compared to the original building. I therefore attach reduced weight to the conflict with this Policy.
8. Turning to the Framework criterion, 'disproportionate' is not defined in the Framework. The proposal would consist partly of a two-storey extension with gable end that would be similar in height, form and size to the existing gable end element on the same elevation that faces the highway.
9. This extension together with the increase in size that would result from the other proposed works to the building would result in an increase in floorspace and size that would be around 30% of the original building. It would add a considerable volume to the existing dwelling that would be a similar height as the existing gable end projection and would not appear subservient to the host building. As such, given its height and form, the extension would appear overly large compared with the original building and would constitute a disproportionate addition.
10. Therefore, the proposal would be inappropriate development in the Green Belt having regard to the Framework as it would result in disproportionate additions over and above the size of the original building.

Openness

11. The proposal would add considerable floorspace and volume to the existing building. The resulting increase in massing would therefore harm the spatial openness of the Green Belt.
12. In visual terms the proposed significant increase in massing would be visible from the garden and street, thereby adversely affecting the spacious open feel of the area and the visual openness of the Green Belt.

LBCA and setting of LB

13. The site lies within LBCA, the significance of which lies in the spacious verdant character and range of buildings of varying ages and types that reflect the development of the rural village.
14. Stockwell Hall is a Grade II* listed building dating from the 16th and 17th centuries and attests to the wealth that enabled the re-fronting in the 18th century. It is set within sizable grounds which speak to its special interest as a surviving example of a high-status historic vernacular dwelling.
15. Given the proximity of the site to Stockwell Hall, it lies within its setting. The modest scale and traditional form of the existing building provide a neutral contribution to the significance of the listed building.
16. The proposed two storey extension would be similar in height and form to the existing gable end projection. Therefore, while the two-storey extension would largely sit within the existing building lines, it would not appear subservient to the existing building. Given its height and volume, the extension would result in a building of significantly larger massing, harmfully altering the modest character of the existing building.
17. A brick wall lies at the boundary of the site with the road. The building is set some distance from the highway, and there is vegetation which partially screen views of the building from the street. However, the permanence and screening of the vegetation could not be guaranteed. Given the proposed increased massing of the building, it would harmfully diminish the spacious character of the site and wider area. Therefore, the proposal would not preserve the rural character and significance of the LBCA.
18. The two-storey extension would be on the southwest side of the house and would therefore be partially screened from views from Stockwell Hall by the existing building. However, the existing building is set closer to the highway than Stockwell Hall. The proposed increase in massing would therefore be seen in views particularly from the west and would visually distract from the prominence of Stockwell Hall. Therefore, the proposal would erode the spacious setting and significance of Stockwell Hall.
19. Consequently, the proposal would fail to preserve the character or appearance of LBCA and would harm the setting and significance of Stockwell Hall.
20. Given the limited scale of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The proposal may improve the living conditions of the occupiers. However, this is a private benefit. Any public economic benefits during the construction phase would be temporary.
21. Given the above, I conclude that, on balance, the proposal would fail to preserve the setting of the Grade II* listed building and the character and appearance of the LBCA. This would fail to satisfy the requirements of the Act, the Framework and conflict with the development plan.

22. More specifically, it would conflict with LP Policy BAS BE12 which resists, among other things, the alteration and extension of existing dwellings if it would harm the character of the surrounding area.

Other considerations

23. The Appellant has put forward other considerations which relate to the aim of Green Belt policy and the effect of the proposal on the openness of the Green Belt. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. Given my findings on the effect of the proposal on the openness of the Green Belt, the proposal would conflict with the aims of the Green Belt. Moreover, given my findings on the effect of the proposal on LBCA, the proposal would not preserve the setting and special character of historic towns.
24. The site is previously developed land. However, given the limited scale of development, any benefits in terms of urban regeneration and economic benefits during the construction phase would be limited.

Conclusion

25. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
26. For the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR