



Appeal Decision

Site visit made on 14 February 2023

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st March 2023

Appeal Ref: APP/V1505/D/22/3294972

1 Hill Farm Cottage, London Road, Crays Hill, Billericay CM11 2UZ

- 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 Mrs J Lewis against the decision of Basildon Borough Council.
- The application Ref 21/01722/FULL, dated 24 November 2021, was refused by notice dated 21 January 2022.
- The development proposed is described 'erect two storey side, with projecting porch'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council refers to policy GB5 of the Emerging Local Plan¹ in its decision notice. However, I am advised that the Council has since withdrawn its Emerging Local Plan. I shall therefore consider the appeal scheme against the policies of the Basildon District Local Plan Saved Policies (September 2007)(BDLP).

Main Issues

3. The main issues of the appeal are:
 - Whether the appeal scheme is inappropriate development in the green belt having regard to the National Planning Policy Framework (2021)(the Framework) and relevant development plan policies;
 - The effect of the appeal scheme on the openness of the Green Belt; and
 - 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 required to justify the appeal scheme.

Reasons

Whether inappropriate development in the Green Belt

4. The appeal site is located in the Green Belt and comprises a modest two storey semi-detached dwelling which fronts onto London Road. Development in the area is generally located to the south of the appeal site, with fields bounding the site to the west and mature trees to the north. The appeal scheme would comprise the erection of a two-storey extension which would be set back slightly from the elevation fronting onto London Road, with a ridge height set slightly below the ridge height of the main dwelling.

¹ The Basildon Borough Publication Local Plan 2014-2034

5. The National Planning Policy Framework (the 'Framework')(2021) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 149.
6. Since the appeal scheme is an extension to an existing building, the exception set out at paragraph 149(c) is of relevance in this case, which 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 building². Policy BAS GB4 of the BDLP 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 certain criteria.
7. The Council advise that the original floor area of the property was approximately 61.5 square metres (sqm) and has previously been extended to the side and rear of the property, giving a total floor area of around 83sqm. Given the design of the dwelling, and the planning history of the site, which points towards planning permission being sought for the addition to the side and rear extension, I consider it highly likely that the original building comprised the main, two-storey part of the house and so 61.5sqm is likely to be an accurate estimation of the floor area provided by the original dwelling.
8. Both parties agree that the proposed development would result in a total floor space of around 106sqm. This would exceed the limitations set out in policy BAS GB4 of the BDLP and conflict with it. However, the limitations of policy BAS GB4 do not take into account the size of the existing dwelling in the same way as paragraph 149(c) of the Framework, which requires consideration as to whether the extension or alteration would result in disproportionate additions over of the size of the original building. Policy BAS GB4 is therefore more restrictive than the Framework.
9. The Council has reviewed its saved policies and provided a Supplementary Note, dated 10 October 2018, which, with respect to policy BAS GB4, concludes it to be 'generally compliant (with the Framework) - less weight can be given to this policy'. Paragraph 219 of the Framework advises that due weight should be given to policies which were adopted prior to its publication, according to their consistency with the Framework. The size limitations contained in policy BAS GB are, in my view, inconsistent with the Framework and so I afford limited weight to the conflict with policy BAS GB4 in this regard.
10. Nevertheless, it is still necessary for me to consider whether the proposal would comprise inappropriate development in the Green Belt. Although the proposal would involve the demolition of a porch, the overall increase in floor space which would be provided by the appeal scheme would be significant compared with the original dwelling. In my view, the proposed increase of around 44.5sqm would represent a disproportionate addition over and above the size of the original building. Thus, the appeal scheme is inappropriate development in the Green Belt.

² The Framework defines 'Original building' as 'A building as it existing on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.'

Openness

11. A fundamental aim of the Green Belt policy in the Framework is to keep land permanently open. The extension would occupy a prominent position and, although not readily visible when travelling towards the property from the direction of Wickord, would be clearly visible when travelling towards the property along Gardiners Lane or along London Road in the direction of Wickford.
12. In spatial terms, the extension would significantly increase the bulk of the property at first floor level compared with the existing building and would result in a modest loss of openness which, given its prominent location, would harm the Green Belt and conflict with the purposes of including land within it, contrary to the relevant expectations of the Framework.

Other considerations

13. Although the extension would be screened from some public views by the main dwelling, I have found the appeal scheme would be inappropriate development in the Green Belt. While not advanced by the appellant in support of the appeal scheme, the extension would afford more spacious accommodation, which would be of benefit to its occupants. I afford such benefits limited weight.

Other Matters

14. While the Council has not raised concern with the effect of the proposal on the character and appearance of the area, this is a neutral factor in my consideration of the appeal scheme.

Conclusion

15. The Framework sets out the general presumption against inappropriate development within the Green Belt. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.
16. The proposal is inappropriate development in the terms set out in the Framework and has led to a limited loss of openness to the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. 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, and the proposal conflicts with the Framework.
17. Thus, for the reasons given above, I conclude that the appeal should be dismissed.

M Savage

INSPECTOR