



Appeal Decision

Site visit made on 22 February 2023

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2023

Appeal Ref: APP/H1515/D/22/3304744

Warren House, Ashwells Road, Pilgrims Hatch, Brentwood CM15 9SG

- 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 Ms Kathy Davies against the decision of Brentwood Borough Council.
 - The application Ref 22/00708/HHA, dated 13 May 2022, was refused by notice dated 8 July 2022.
 - The development proposed is Rear single storey extension demolishing conservatory.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt; and,
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

3. The appeal site is within the Green Belt. Paragraph 137 of the National Planning Policy Framework (2021) (the Framework) identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy MG02 of the Brentwood Local Plan 2016-2033 (2022) (the BLP) states that development proposals in the Green Belt will be assessed in accordance with national policy and permission for inappropriate development will not be granted other than in very special circumstances.
4. The Framework identifies the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to exceptions listed in paragraphs

149 and 150. An exception listed in paragraph 149 is the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building. While the Framework does not define what constitutes disproportionate, Annexe 2 defines the original building as being as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

5. The appeal site is a detached dwelling, which has been the subject of a number of extensions and alterations. Therefore, the dwelling in its present form is not the original building as defined by the Framework for the purposes of applying paragraph 149c). The Council's planning history refers to a number of express and deemed permissions. The layout of the appeal site dwelling is consistent with the submitted plans. From the plans and what I saw having regard to features such as the roof forms, interior supporting walls and beams, these are consistent with a number of the permissions to extend the original dwelling being carried out to the side, rear and roof/first floor.
6. The Council advances that the side and rear ground floor additions alone have resulted in a floorspace increase of 56% on the original dwelling and this proposal would result in a total floorspace increase of 94% to the original building. There is nothing before me that would lead me to doubt the Council's assessment, and the appellant does not dispute the figures. The Council has not calculated the changes in volume to the original building. It appears to me there has been a large volumetric increase to the original dwelling from the extensions. Based upon the evidence before me, while this appeal proposal overall would result in a limited increase in floorspace, footprint and volume, in combination with the other extensions, it would result in disproportionate additions to the original building.
7. Therefore, for the reasons set out above, the proposal would be inappropriate development in the Green Belt. In this regard, it would conflict with the aims of the Framework, insofar as it confirms that inappropriate development is, by definition, harmful to the Green Belt.

Openness

8. Part of the development would replace the conservatory within a marginally reduced footprint and lower roof, resulting in some minor benefits to openness in respect of this element of the scheme. However, it would also add a further approximately 12 square metres of floorspace within additional single storey built development and associated volume increase on part of the rear elevation, upon a section of low, flat and open patio area, markedly increasing the size of the dwelling. Given its overall height, depth, size and scale the proposal would have a limited adverse effect upon the spatial openness of the Green Belt.
9. The surrounding fencing, existing appeal site and other buildings nearby, and mature boundary vegetation limit the wider visibility of the development. However, it would still have some limited visibility from a section of the access road from the business park, resulting in a limited adverse effect upon visual openness of the Green Belt. Were further landscaping secured by a suitably worded planning condition, this would to some degree, mitigate against the visual harm but not overcome all the harm to openness.

10. The proposal, therefore, would have an adverse impact upon the openness of the Green Belt. It would conflict with the Framework, insofar as this aims to ensure the openness of the Green Belt is preserved.

Whether very special circumstances exist

11. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 explains that substantial weight should be given to any identified harm to the Green Belt.
12. There would be some small temporary economic benefits during construction. There might also be some minor benefits in respect of energy and resource efficiency. The proposal would increase the floorspace within the dwelling to provide a larger kitchen-living area, increase the comfort and potential use of what is currently the conservatory, and could provide a space for home working, for what I am informed is a large family. Therefore, it would offer benefits in these regards. However, the evidence does not demonstrate that the existing accommodation is inherently inadequate such that it results in harmful living conditions for the current occupiers, and that some other solutions such as accommodation reconfiguration could not resolve some requirements. Therefore, these matters attract limited weight.
13. While the absence of objections is noted, this is not of itself a benefit of the scheme that attracts weight in favour of it. Not harming the character and appearance of the host building and the area, or the living conditions of neighbouring occupiers, thereby being compliant with Policy BE14 of the BLP, are neutral matters attracting neutral weight. Overall, all of the benefits of the development advanced attract limited weight in favour of the scheme.

Green Belt Balance & Conclusion

14. The policy compliance and factors and benefits set out by the appellant attract limited weight. They do not clearly outweigh the harm identified to the Green Belt, which carries substantial weight, so as to amount to the very special circumstances necessary to justify the proposal. Therefore, the proposal conflicts with Policy MG02 of the BLP and the Framework.
15. The proposed development would be contrary to the development plan and the National Planning Policy Framework read as a whole, and there are no considerations advanced, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR