



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/22/3302030

Frieze Cottage, Coxtie Green Road, South Weald CM14 5RE

- 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 KMDS Designs against the decision of Brentwood Borough Council.
 - The application Ref 22/00285/HHA, dated 17 February 2022, was refused by notice dated 29 April 2022.
 - The development proposed is Single storey rear extension to ground floor kitchen area.
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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, where 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 proposals in the Green Belt shall 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 additions, in Annexe 2 it does define 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 comprises a detached dwelling within a large plot with some outbuildings. The construction of the dwelling is estimated between 1777 – 1838. It appears to be first shown on maps surveyed in 1871 – 1873. The building footprint appears unchanged for a number of mapping surveys, the latest before me being 1938. That footprint as set out in the Heritage Assessment (HA)¹ is modest to that of the current dwelling footprint. The appellant advises there are not records of the extensions being granted consent and they are difficult to age. The appellant's view is that some if not all, may pre-date 1948, so would form part of what is defined as the original building.
6. Based upon the historic maps provided, if the extensions were constructed before 1948, the works would have been done during a relatively short window, a large proportion of which would have been during World War II or the period of austerity following it, when resources might have been in short supply. The HA explains the building includes historic timber from other buildings and modern timber artificially worked to make it look old. It reaches the view that all the building additions date from the latter/late 20th century. The terms latter or late 20th century suggests they post-date 1948.
7. It is not explained whether previous extensions would have required an express consent that should be recorded, but having regard to its understanding of the planning history as the Local Planning Authority, the Council provides figures for the original, current and proposed floorspace and footprint of the dwelling. It advises the footprint of the original dwellinghouse was approximately 76.46 square metres (sqm) and the floorspace was 133.52 sqm. This extension proposes a comparatively limited increase to the existing dwelling, but would result in a new total footprint of approximately 184.87 sqm and floorspace of 246.99 sqm. With this proposal, the building footprint would increase by approximately 141% from the original and the floorspace by 84%, and there has been and would be associated increases in the built form of the original building.
8. There are no definitive dates of the exact age of the previous extensions and the evidence is not conclusive in this regard. However, the wording of the HA suggests the extensions would have taken place post-1948 and there is not substantive evidence such as detailed expert analysis of the building construction and a comprehensive mapping sequence before me, that would outweigh Council's assessment of previous additions. Therefore, despite its limited size, on the balance of the evidence before me, I am of the view that when taken in combination with previous extensions, this proposal would result in disproportionate additions over and above the size of the original building.
9. 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.

¹ Heritage Assessment, April 2021.

Openness

10. I have noted the appellant's reference to a legal judgement and the commentary upon the way that effects upon Green Belt openness were considered. This appeal proposal would result in a comparatively limited but still marked increase in built development, adding a further approximately 21.7 sqm of building footprint at single storey height, with an increased bulk and volume. It would extend this part of the dwelling eastward over primarily what is a section of flat open patio area. Its height, depth, scale and bulk would have a limited adverse effect upon the spatial openness of the Green Belt.
11. The immediate grounds are relatively open but interspersed by a number of medium and mature trees. These and boundary treatments would mean that visibility of the development would primarily be from within only limited parts part of the grounds, with only limited wider visibility from a field to the east. The construction including render, wood and glass would have a fairly lightweight appearance viewed in the context of the host building. It would have a small impact upon the visual openness of the Green Belt.
12. In Ref. 21/01061/HHA the Council considered there was disproportionate additions to the original building, but the application was approved given its size in relation to the host building, and, that the proposal did not materially reduce openness. Based upon the plans before me and its completed form as I saw it, that extension was less floorspace than this proposal and was an infill under the pre-existing first floor that does not project discernibly beyond those existing first floor walls. Therefore, its effect upon openness is significantly less than this appeal proposal. Its circumstances are therefore, not directly comparable to the appeal proposal before me which adds a cumulatively greater amount of built development to the original dwelling and projects outward of the existing dwelling footprint, adversely affecting the openness of the Green Belt.
13. The appeal proposal would have an adverse impact on the openness of the Green Belt and conditions could not adequately mitigate the harm. The proposal would conflict with the Framework, insofar as this aims to ensure the openness of the Green Belt is preserved.

Whether very special circumstances exist

14. 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.
15. There would be some small temporary economic benefits during construction. The proposal would increase dwelling floorspace and provide a larger kitchen-living area, providing benefits for the occupiers. These are benefits that attract limited weight. Given the absence of substantive evidence to demonstrate some of the extensions took place before 1948, this matter attracts little weight. The limited size of the extension of itself is not a very special circumstance, and as the previously approved scheme has been built out it is not a fall-back position.
16. The Council is of the view the development would be in keeping with and complementary to the character and appearance of the host building and its

historic interest, and I see no reason to disagree. These matters, as well as not harming the character and appearance of the area, the setting of designated heritage assets, or the living conditions of neighbouring occupiers, in compliance with Policies BE14 and BE16 of the BLP, are neutral matters attracting neutral weight.

17. Overall, the policy compliance and all the benefits of the development advanced, attract limited weight in favour of the scheme.

Other Matters

18. There is a historic association between the appeal site and the Grade II Listed Frieze Hall and Stable 9 Metres South East of Frieze Hall, approximately 170m north east of the appeal site. There is some minor amount of intervisibility between the dwelling and these listed buildings from certain vantage points, so the appeal site forms a part of their wider settings. The position and single storey height of the proposal together with the distance, topography, mature intervening vegetation and buildings means the proposed development would not affect the way in which the listed buildings are experienced. Therefore, having regard to my duties under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, this proposal would preserve the setting of the designated heritage assets.

Green Belt Balance & Conclusion

19. 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.
20. 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