



Appeal Decision

Site visit made on 21 February 2023

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th March 2023

Appeal Ref: APP/W1525/D/22/3290751

Templeton House, Honeypot Lane, Stock, Billericay CM4 9QG

- 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 & Mrs Townshend against the decision of Chelmsford City Council.
 - The application Ref 21/01544/FUL, dated 20 July 2021, was refused by notice dated 1 November 2021.
 - The development proposed is the construction of a 3 bay detached car port.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a 3 bay detached car port at Templeton House, Honeypot Lane, Stock, Billericay, CM4 9QG in accordance with the terms of the application, Ref 21/01544/FUL, dated 20 July 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Elevations & Site Plan, drawing No L03, Proposed Site Plan, drawing No L04.
 - 3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
 - 4) The development shall be carried out in accordance with the arboricultural impact assessment reference OS 2168-21-Doc1 and tree protection plan reference OS 2246-21.2.

Preliminary Matters

2. The appellant described the proposal on the application form as 'the removal of tree and construction of open car port.', whereas the Council referred to the scheme as 'the construction of a 3 bay detached car port' in its decision notice. The appellant indicates on the appeal form that the description of the development has changed from that stated on the application form to the description used by the Council in its decision notice. Since this is an accurate reflection of the proposed scheme, I shall use the Council's description in my decision letter.

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 substantial dwelling set in generous grounds, bound by mature vegetation, on the corner of Honeypot Lane and Ingatestone Road. There are a number of other substantial dwellings along this part of Ingatestone Road which are generally set back from the road and bound by mature vegetation, giving the area a generally rural character.
5. The appeal scheme would comprise the erection of a detached car port which would be located between the main dwelling and Ingatestone Road. Policy S11 of the Chelmsford Local Plan (2020)(the CLP) seeks to protect the openness and permanence of the Green Belt and policy DM6 states that where new buildings are proposed within the Green Belt, inappropriate development will not be approved except in very special circumstances.
6. The Framework 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.
7. The main thrust of the appellant's case is that the proposed building would fall to be considered under paragraph 149(c) of the Framework, 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 building.
8. The appellant has drawn my attention to *Sevenoaks DC v SSE & Dawe* [1997] where it was held that a detached outbuilding may be considered as part of a dwellinghouse where it is a 'normal domestic adjunct' and Appeal decision reference APP/H1515/D/18/3197888 where the Inspector held that a cart lodge some 8 metres from the house was a normal domestic adjunct.
9. I have had regard to the cases cited and consider whether a detached structure would amount to an extension of the existing building is a matter of fact and degree. The proposed car port would be located to the front of the main elevation of the dwelling, approximately 7.5m distant and would accommodate up to 3 cars.

10. In my experience, it is not unusual for occupants of a dwelling to require parking for 3 vehicles and there is no suggestion that the car port would be used for any purpose other than in association with the use of the main dwelling. Although the car port would be detached from the main dwelling, I consider given its close association with the dwelling, as a matter of fact and degree, it would amount to an extension of the existing building.
11. I must now consider whether the proposal would result in disproportionate additions over and above the size of the original building.
12. On 20 December 2021, planning permission 21/01551/FUL was granted to demolish existing rear balcony and construct two storey rear extensions and single storey front, rear and side extensions, alterations to the fenestration and external finish, raised patio, conversion of garage to gym, alterations to the driveway and landscaping, construction of a swimming pool and associated patio. Work appeared to be underway at the time of my site visit.
13. The appellant has provided a series of calculations which estimates the resultant increase in volume, gross internal floor area (GIA) and footprint over and above the original dwelling as a result of the approved scheme, reference 21/01551/FUL and the appeal scheme. The Council has not disputed the figures provided by the appellant and I see no reason why they should not be used in this case. In terms of volume and GIA, the percentage increase over and above the original dwelling is estimated to be less than 30%, while the increase in footprint is estimated to be around 54.68%.
14. The car port would be significantly lower in height compared to the original dwelling and would appear subordinate to the main dwelling. Given the substantial volume and GIA of the original dwelling and the comparatively modest volume and GIA provided by the car port, I consider the appeal scheme would not result in a disproportionate addition over and above the size of the original dwelling, even when taking into account the approved scheme.
15. Consequently, I find that the appeal scheme is not inappropriate development in the Green Belt and there is no conflict with policies S11 or DM6 of the CLP or the Framework, the requirements of which are set out above.
16. Since the development is not inappropriate development in the Green Belt, it should not therefore be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. There is therefore no need for me to go on to consider the impact of the development on the openness of the Green Belt, or whether very special circumstances exist.

Conditions

17. In the interests of certainty and proper planning I shall include a plans condition and a condition to secure details of materials. To ensure important trees are protected I shall include a condition to ensure that the works are carried out in accordance with the arboricultural impact assessment submitted in support of the application.

Conclusion

18. For the reasons given above, I conclude that the proposed car port would not be inappropriate development in the Green Belt and would accord with the development plan as a whole.
19. Thus, the appeal should be allowed subject to the conditions set out in the formal decision.

M Savage

INSPECTOR