



Appeal Decision

Site visit made on 14 June 2023

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/B1550/D/22/3305999

Ivy Cottage, Sutton Road, Rochford, Essex SS4 1LQ

- 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 Debbie Reed against the decision of Rochford District Council.
 - The application Ref 22/00528/FUL, dated 24 May 2022, was refused by notice dated 19 July 2022.
 - The development proposed is described as 'proposed part replacement two-storey side and rear extension for additional living space'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies,
 - the effect of the proposal on the openness of the Green Belt, 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

Inappropriate Development in the Green Belt

3. The appeal site is situated in the Green Belt. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt. It goes on to set out some exceptions, which 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*' (paragraph 149c). Framework Annex 2 defines the 'original' building as being the building as it existed on 1 July 1948.
4. Policy DM17 of the Rochford Development Management Plan 2014 (RDMP) similarly allows for extension of existing dwellings in the Green Belt, within defined limits. These include that the proposal would result in no more than a 25% increase in internal floorspace of the original building, does not involve a material increase in overall height and avoids a negative impact on the

character and appearance of the Green Belt through its scale, mass and orientation.

5. The supporting text to Policy DM17 makes clear that the 25% threshold is based on the provisions of the Framework. The current version of the Framework post-dates adoption of the RDMP, but the applicable requirements, as summarised above, have not changed to any substantive degree.
6. The appeal site contains a two-storey detached house, with various previous single storey and two storey extensions. It appears historically to have been two semi-detached cottages, later converted to a single dwelling. This is reflected in the form of the dwelling, the central part of which is on a roughly square footprint, with modest, fully hipped roof. At the rear is a two-storey extension with a flat roof and a single storey lean-to conservatory. To one side is a single storey attached garage with shallow mono-pitch roof.
7. The evidence does not clearly confirm when the existing extensions were erected. Drawings submitted with a planning application in 2001¹ included the two storey and single storey extensions at the rear. The description of that application also suggests that there was already an existing garage to the side. On that basis, the evidence indicates that these additions were in place by 2001. However, the Council highlights that no such extensions are apparent on historic Ordnance Survey maps dated 1944-1970.
8. While the OS map evidence indicates that the building had not been extended when the 1944-1970 map series was produced, this does not definitively confirm its extent on 1 July 1948. Likewise, there is no clear evidence to confirm that the existing extensions were erected before 1 July 1948; only that they existed several decades later in 2001. The absence of any further evidence within the Council's records is not conclusive, given that some or all of the previous additions may have been erected without explicit planning permission being sought or required.
9. In any event, both the Framework and Policy DM17 require consideration of the scale of any extension in terms of its bulk and massing, as well as floorspace. In this case, even if it had been conclusively demonstrated that the proposed internal floorspace did not exceed the 25% threshold, it is clear that the volume of the building would be significantly increased. The proposed extension would replace a modest garage which is of very limited height, due to its shallow mono-pitch roof. It would create a much wider two storey front elevation with elongated hipped roof, together with a substantial new rearward projection. Both the front elevation and the left side elevation would be significantly increased in scale, particularly at first floor and roof level.
10. The increased volume of the building would be clearly disproportionate to the modest scale of the original pair of cottages. Even if the existing extensions are regarded as part of the original building, the significant additional building mass at first floor and roof level would appear disproportionate to the scale of the building, including its various, largely single storey, additions.
11. For the above reasons, I conclude that the appeal proposal would be inappropriate development in the Green Belt. Such development is, by definition, harmful. As such, the proposal would conflict with Policy DM17 of the

¹ Rochford District Council planning application 01/00778/FUL

RDMP and with the relevant paragraphs in the Framework, as summarised above.

Openness of the Green Belt

12. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. It relates to the presence or otherwise of built development, as distinct from any consequent effect on the landscape or the character and appearance of the surrounding area.
13. The appeal site is one of a limited number of dwellings and other buildings in small clusters along Sutton Road. This sporadic built development is surrounded by much more extensive open fields. Although the built-up area of Southend-on-Sea is nearby to the south, the appeal site is clearly separate from this urban area, facing land with an open character.
14. The increased scale of the dwelling would increase the volume of built development on the site. It would thereby harm the openness of the Green Belt in spatial terms, albeit to a limited and localised degree given the established presence of the existing dwelling. The enlarged front and side elevations would be visually prominent from Sutton Road, due to the forward position of the dwelling along the roadside and the absence of any significant screening. Therefore, there would also be harm to openness in visual terms, again to a limited and localised degree.

Other Considerations

15. Given that the site is already in residential use, the proposal would not cause any additional urban sprawl. However, that does not negate the harm to openness at a more localised level, as set out above.
16. The application proposes that three existing outbuildings would be demolished to compensate for the increased building mass on the site. While the High Court has ruled² that extensions to buildings for purposes of Framework paragraph 149c are not necessarily confined to physically attached structures, the question of whether they should be treated as such is a matter of fact and degree. In this case all three outbuildings are very clearly separate from the dwelling and have the character of typical domestic outbuildings used for storage and other ancillary purposes. There is no indication that they include habitable floorspace or otherwise form part of the main residential accommodation. On that basis, the floorspace within the outbuildings does not form part of the original or existing dwelling, for purposes of considering the cumulative increase in floorspace.
17. The outbuildings in question are single storey and largely screened behind the dwelling and boundary fencing. Their demolition would not adequately compensate for the loss of openness associated with introduction of a much more visually prominent two storey extension. Therefore, while I have had regard to the proposed demolition of outbuildings, I have given it only limited weight.
18. The design would be well integrated with the existing dwelling in terms of its detailing and materials. It would also give the dwelling a more symmetrical form, particularly at the rear. Introduction of a hipped roof over the existing

² Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe [2022] EWHC 2145 (Admin)

rear extension would be more sympathetic to the character of the original cottages. However, neither the flat roofed rear extension nor any of the other additions are particularly noticeable from public viewpoints, being either single storey with a low roof or located at the rear. Therefore, while there would be some enhancement to the dwelling's appearance, this would be primarily of private benefit to the occupiers and would not materially enhance the character or appearance of the surrounding area.

19. Likewise, the increased accommodation and more efficient use of the site would be primarily of private benefit. On that basis, I have also given the above benefits of the proposal limited weight.

Green Belt Balance

20. I have concluded that the proposal would be inappropriate development in the Green Belt as defined in the Framework and relevant development plan policies. There would be harm to the openness of the Green Belt, albeit to a limited and localised degree.
21. The Framework requires that any harm to the Green Belt be given substantial weight. While a number of factors have been highlighted in favour of the proposed development, for the reasons given above I have given them limited weight. Therefore, the harm to the Green Belt is not clearly outweighed by other considerations. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

22. For the reasons set out above, the Green Belt harm is not clearly outweighed by the other considerations and the very special circumstances necessary to justify the proposal do not exist. Therefore, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR