



Appeal Decision

Site visit made on 9 June 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2023

Appeal Ref: APP/V1505/D/22/3310221

Dorrond, Break Egg Hill, Billericay, Essex CM11 1EU

- 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 Joe Williams against the decision of Basildon Borough Council.
 - The application Ref 22/00984/FULL, dated 22 June 2022, was refused by notice dated 12 October 2022.
 - The development proposed is demolish conservatory and lobby entrance building, erect single storey wrap around extension and front porch.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- Whether the proposed development would be inappropriate development in the Green Belt;
- The effect of the proposed development on the openness of the Green Belt; and
- Whether the 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 proposed development.

Reasons

Whether Inappropriate Development

3. The Framework identifies at paragraph 137 that 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. Paragraph 149 of the Framework confirms that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to exceptions. One such exception is for 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. The Framework does not define 'disproportionate additions', however the glossary defines original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built.

4. While the Council has not referenced Basildon District Local Plan Saved Policies (2007) (LP) Policy BAS GB4 in its reason for refusal, the officer report does assess the proposal against the floorspace criteria thereof. While it is of some age and predates the Framework, it does provide relevant local context to establish what would constitute a disproportionate addition.
5. It is not clear when the original dwelling was constructed however the evidence of both parties has been presented on the basis that the original floor area was approximately 62 sqm. The parties have used different figures in their evidence to establish the proposed floor area. The appellant's evidence is unclear. It refers to the existing and proposed footprint area of the house as being the same (121 sqm). The existing footprint plus the identified internal footprint (49.1 sqm) does not add up to the proposed footprint area. The Council's evidence is more coherent, identifying the existing floor area, total floor area and the floor area of the separate fallback elements of the scheme, which I will return to in due course. I have therefore used the figures put forward by the Council.
6. The proposed floor area of the dwelling would be 138 sqm. It would be substantially beyond the 90 sqm maximum stipulated in LP Policy BAS GB4. At more than double that of the original dwelling, it would be a disproportionate addition even in the absence of any local policy criteria. Even if I were to consider the extensions on the basis of the evidence provided by the appellant, the floor area of the proposed dwelling would be close to double that of the original dwelling which I would also consider disproportionate. There is a reference in the evidence as to the original floorspace being 50 sqm, however this would appear to pre-date the Council's officer report which is clear in its assessment of the floorspace of the original dwelling.
7. For these reasons, the proposed development would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with LP Policy BAS GB4 and the associated policies of the Framework.

Openness

8. Paragraph 137 of the Framework confirms that 'the essential characteristics of Green Belts are their openness and their permanence'. Openness is the absence of development and can have spatial as well as visual aspects.
9. The openness of the Green Belt is apparent in the spaciousness of the plots along Break Egg Hill. The existing dwelling is modest in scale. The proposed development would increase the volume and mass of the existing building, both widening and lengthening it due to the wrap around nature of the proposed development. This would noticeably and substantially reduce the openness of the Green Belt.
10. The porch canopy would add to the mass of the building and project forward of the existing building line. Furthermore, the plans show an area for canopy to the rear of the building which would provide outside storage and a seating area. This demonstrates that there would be related domestic paraphernalia, which would further reduce openness.

11. This harm would be quite limited given the scale of the proposal. Nonetheless, it would cause harm and in accordance with paragraph 148 of the Framework, I give substantial weight to this.

Other Considerations

12. It is not in dispute that a side extension and a rear extension could be constructed, although the parties give different reasons for this. I have not been provided with full details of the permitted schemes such as layout plans or decision notices. However, their position is indicated within the appellant's evidence and the Council's evidence confirms their size. The appellant's case sets out they wish to provide a family home which the permitted development extensions would support. This represents a realistic fallback position.
13. The Council's evidence sets out that the fallback position extensions would total 57.2sq m, which would be close to double the size of the original dwelling. This would constitute a disproportionate extension in its own right. As I have found that the appeal proposal would constitute a disproportionate extension in the Green Belt, allowing it would therefore not confer a benefit as the harm would not be avoided. This reduces the weight I would attach to the fallback position.
14. The additional area would be sited between the fallback position extensions. This would lessen the effect of the proposal on the visual aspects of openness as it would not extend beyond the parameters of the fallback extensions. However, given my findings above on the effect on the openness of the Green Belt, the fallback position would only serve to further limit an already limited harm.
15. It may be that a larger extension could be built using permitted development rights. However, any such right would be subject to the conditions and limitations of the relevant Class, and there is no substantive evidence before me as to whether a proposal would accord with these. I therefore attach limited weight to this.
16. The submitted plans also show a summer house to be removed. However, the floor area of this is not provided and at my site visit it was clear that this is a very modest structure. This therefore would be of minimal weight in support of the proposed development.
17. The appellant wishes to extend the house to provide a modern family home. This is a personal desire but worthy of some limited weight in support of the proposed development.
18. The design of the extension, in and of itself, would have an acceptable impact on the character and appearance of the surrounding area. However, this would amount to a policy compliant scheme and would therefore be a neutral factor in this decision. In addition, I do not have full details of the circumstances of another extension granted in the surrounding area as cited by the appellant. In any event, this appeal must be determined on its own merits at this time.

Other Matters

19. I note the appellant has engaged in pre-application discussions with the Council and amended the proposed development as a result. However, the outcome of such discussions is not binding on future decision makers. The site is not within

a Conservation Area or an Area of Outstanding Natural Beauty so these would not be relevant to my decision.

Conclusion

20. I have found that the proposed development would constitute inappropriate development in the Green Belt and would be harmful to its openness. Paragraph 148 of the Framework states that substantial weight should be given to these. I have attached limited weight to the fallback positions, removal of the summer house, other planning decisions and the appellant's personal circumstances for the reasons given above. I find that the other considerations in this case do not therefore clearly outweigh the harm. Consequently, the very special circumstances necessary to justify the development do not exist.
21. The proposed development conflicts with the development plan taken as a whole and there are no material considerations, including the approach of the Framework, worthy of sufficient weight to suggest the decision should be made other than in accordance therewith. The appeal should therefore be dismissed.

J Downs

INSPECTOR