



Appeal Decision

Site visit made on 24 July 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/W1525/D/23/3317672

Aldersbrook, Bishops Stortford Road, Roxwell, Chelmsford, Essex CM1 4LS

- 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 Mrs Sara Gouveia against the decision of Chelmsford City Council.
 - The application Ref 22/01708/FUL, dated 12 October 2022, was refused by notice dated 9 December 2022.
 - The development proposed is a side and rear extension which utilises the majority of the existing structure to limit impact on ecology.
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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 having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - The effect of the proposed development on the openness of the Green Belt.
 - The effect of the proposed development on the character and appearance of the area.
 - 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 proposal.

Reasons

Whether inappropriate development

3. Paragraph 149 of the Framework, states that the construction of new buildings should be regarded as inappropriate, subject to the exceptions listed. One of the exceptions, set out in Paragraph 149.c) of the Framework, is the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.
4. Policy S11 of the Chelmsford Local Plan - Our Planning Strategy 2013 to 2036 (Adopted 27 May 2020) (the LP), states that the openness and permanence of

the Green Belt will be protected and inappropriate development will not be approved except in very special circumstances.

5. Policy DM11 of the LP, states that planning permission will be granted for extensions or alterations to existing buildings, where the building is located within the Green Belt and the extension or alteration would not result in disproportionate additions over and above the size and scale of the original building¹.
6. Neither the Framework nor the Council's planning policies provide a definition of 'disproportionate additions'. Therefore, it is a matter of planning judgement on the evidence available as to whether the appeal proposal would amount to a disproportionate addition over and above the size of the original building.
7. According to the Council, the proposed extensions would lead to a 60% increase in the building's floor space over and above that of the original building. The appellant has not disputed this figure. No figures have been provided for the volume of the original building or that of the existing building as proposed to be extended. I have therefore assessed 'on the ground' the scale of the original building and the proposed extensions to be added.
8. The single storey rear extension would be longer, wider and taller than the existing, with a greater volume. In particular, the height, width, depth and roof form of the proposed two storey extension would lead to a substantial increase in the volume of the original building. Together, the proposed extensions would substantially increase the footprint and volume of the original building. Consequently, they would amount to a disproportionate addition over and above the size of the original building.
9. I note that there are buildings in the area that appear wider than the appeal building in its proposed extended form. However, on this main issue, I am required to assess the appeal proposal based on the size of the original building and not by comparison to other buildings. As such, the development is inappropriate when considered against Paragraph 149.c) of the Framework. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt.

Openness

10. Paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
11. Openness can be perceived spatially and visually. In spatial terms, the proposed extensions would inevitably reduce openness on the appeal site by partly occupying space on the site that is undeveloped. Visually, the building and the row of buildings of mixed sizes and appearances, which it forms part, are clearly visible from the road.
12. In these views the increased volume and massing of the building would evidently increase further the visible extent of built development across the width of the site, and towards undeveloped land beyond it. This would result in

¹ As defined in LP paragraph 8.77.

a harmful loss of openness in the locality of the appeal site, albeit to a relatively modest and localised extent.

Character and appearance

13. The character and appearance of the area is generally defined by a row of detached bungalows that front onto a slip road that is set back from the main road. Although constructed from broadly similar materials with gabled roof forms, the bungalows are of different sizes and designs. Some have relatively tall roofs and front dormers of different styles, whereas others have lower roof lines. As such, there is little sense of uniformity to the group of buildings in the street scene.
14. Despite being a two storey house, the appeal property has a narrower front elevation than several of the nearby bungalows and is broadly similar in height to the tallest bungalows. In this context the scale, form and massing of the proposed extensions to the appeal property would be broadly comparable to and compatible with the varied sizes of the nearby buildings. As such, the appeal property would not be unduly dominant in its proposed extended form.
15. The sizes and pattern of the proposed window openings in the elevations of the appeal building would be different to the existing arrangement of larger openings set in from the building's corners. However, the relatively narrow windows in the building's elevations would be arranged in a generally well-ordered pattern, particularly those in the front and side elevations. They would not be unduly fussy or overly modern when compared to those in the nearby bungalows, which vary in size and style.
16. The ground floor window and door openings in the front elevation of the appeal proposal would be aligned satisfactorily with the windows above them, and the blank walling between them would not be unduly expansive or oppressive. Whilst the positions of the ground floor window and door openings would emphasise the width of the building's façade, it would not appear overly wide in comparison to the facades of the nearby bungalows.
17. I have read nothing in Policy DM23 of the LP that precludes an extension designed to be 'seamless' with the existing building. In this case and the resultant elevations and appearance of the building would be sufficiently well-proportioned, visually coherent and 'active' in public views.
18. In the context of the mixed scales and designs of the buildings in the row, the visual appearance of the proposed development would not be harmful to the character and appearance of the area. As such, it would be consistent with Policy DM23 of the LP, which seeks to ensure that extensions to buildings are of a high quality design and compatible with the character and appearance of the area in which it is located.
19. The appeal proposal would also be consistent with Paragraph 130 of the Framework, which states that planning decisions should ensure that developments are visually attractive and sympathetic to local character, including the surrounding built environment, amongst other objectives.

Other considerations

20. I have had regard to the appellant's requirement to provide additional living space to accommodate a multi-generational family. However, the planning system is mainly concerned with the use of land in the public interest. In this context, the appeal proposal would be a private benefit to the appellant's family and the harm identified would likely persist long after any personal circumstances cease. It is therefore a matter of limited weight in its favour.
21. It is stated that the appeal proposal would improve biodiversity and incorporate a green roof, along with energy efficiency measures such as glazing in line with passive principals, and renewable energy generating devices. Given the scale of the proposed development, the environmental benefits that would be derived from these measures would be small. As such, they attract limited weight in its favour.
22. The appeal building in its proposed extended form would occupy a plot of land that is markedly larger and more spacious than most in the locality. However, the Green Belt policies referred to above do not prescribe a quantitative ratio of buildings to undeveloped land within a plot. As such, the ratio of buildings to undeveloped land on the appeal site does not alter my conclusions on the main issues and it has limited weight in favour of the development.
23. I have found that the proposal would not harm the character and appearance of the area. However, an absence of harm in these respects does not weigh positively in favour of the development being a requirement of any well-designed development.

Other Matters

24. Full details of the planning permission granted by the Council to create two detached dwellings at Farthings, Pennys Lane, Margaretting, Ingatestone, are not before me in this appeal. Therefore, I cannot be certain that this case is directly comparable to the proposal before me. Furthermore, each case must be determined on its own merits and such proposals are subject to various site-specific considerations and judgements. Consequently, the Ingatestone case has limited relevance to my considerations and does not alter my conclusions on the main issues. I am not bound by the previous decisions of the Council in any case.

Green Belt balance

25. Paragraphs 147 and 148 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
26. The other considerations do not clearly outweigh the totality of the harm to the Green Belt, by reason of inappropriateness and harm to openness. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

27. For the reasons given above and having considered all other matters raised, I conclude that the appeal proposal conflicts with Policies S11 and DM11 of the LP, and the Framework. There are no other material considerations of sufficient weight to outweigh this finding. Accordingly, the decision should be made in accordance with the development plan and the appeal should be dismissed.

G Sylvester

INSPECTOR