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# Appeal Decision

Site visit made on 20 September 2023

**by Jane Smith MA MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 02 October 2023**

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**Appeal Ref: APP/M1595/D/22/3307182**

**Atwal Villa, Brentwood Road, Bulphan RM14 3ST**

- 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 Malraj Atwal against the decision of Thurrock Borough Council.
  - The application Ref 21/00760/HHA, dated 5 May 2021, was refused by notice dated 30 June 2022.
  - The development is described as 'erection of a double storey pitched roof extension above side single storey extension. Planning permission to add brick slips to front elevation, alterations to main roof and render to swimming pool'.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The development has been carried out and therefore I am considering the appeal retrospectively. The application form states that construction commenced in 2018 but was incomplete at the time of submitting the application, although a covering letter indicates a pitched roof was constructed in 2018. During my site visit I established that the extended dwelling broadly corresponded with the details shown on the proposed plans, although there were some minor differences in fenestration and not all of the proposed alterations to external materials had been implemented. It is not the function of this appeal to consider the lawfulness or otherwise of construction works and I have considered the development based on the details shown on the proposed plans and elevations.

## Main Issues

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

## Reasons

### *Inappropriate Development in the Green Belt*

4. The appeal site is a detached house in a large plot, within a loose knit cluster of other dwellings and business premises in the Green Belt.
5. 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.
6. In the development plan, Policy PMD6<sup>1</sup> similarly requires that the extension of a building must not result in disproportionate additions over and above the size of the original building. Policy PMD6 goes on to detail how this requirement will be interpreted by the Council, stating that in the case of residential extensions this means no larger than two reasonably sized rooms or any equivalent amount.
7. The Council's Officer Report acknowledges that there is some uncertainty as to the exact size of the original dwelling in this case. However, there are planning records relating to previous extensions and alterations in 1981 and the Council's mapping records dated 1970 indicate that a far smaller dwelling existed at that time. The Officer Report furthermore states that a substantial single storey extension to the side of the dwelling, containing a swimming pool, is not part of the original dwelling. This addition is also clearly identified as a previous extension on the application drawings.
8. The swimming pool extension is in itself a substantial addition, projecting a significant distance to both the side and rear of the host dwelling. I noted during my site visit that there are further single storey elements of contrasting design and materials at the rear of the dwelling, as well as a two storey flat roofed element. While the precise extent of the original dwelling has not been confirmed, the rear elevation has the appearance of having been extended and altered on a number of previous occasions. This would be consistent with the significantly smaller building footprint shown on the 1970 mapping and no clear evidence has been presented to the contrary.
9. The Council's Officer Report estimates that extensions of up to approximately 55sqm would be in line with the provisions of Policy PMD6, whereas the total amount of extension to the original dwelling is estimated by the Council at 331sqm. Again, no contrary evidence has been provided. The plans show that the side extension includes a pre-existing living room and the bedroom which is the subject of this appeal, in addition to a large room containing an indoor swimming pool. Therefore, the accommodation within this addition is itself in excess of two reasonably sized rooms, even if other additions are not taken into account. On that basis, even if the Council has misjudged the precise extent of the original dwelling, it is clear that the threshold set out in Policy PMD6 has been exceeded.
10. The extension which is the subject of this appeal introduces a substantial additional first floor element over part of the single storey extension. With its

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<sup>1</sup> Thurrock Core Strategy and Policies for Management of Development, Focused Review, adopted January 2015

own pitched roof, set back and separate from the roof of the host dwelling, this is a substantial addition in its own right. In combination with the previous single storey extension, to which it is attached, the overall scale of the side extensions is considerable and clearly out of proportion with the scale of the host dwelling.

11. Taking all these factors into consideration, the development results in disproportionate additions over and above the size of the original building. I therefore conclude that it is inappropriate development in the Green Belt. Such development is, by definition, harmful. For the same reason, the development conflicts with Policy PMD6 and with relevant paragraphs in the Framework, as summarised above.

#### *Effect on Openness*

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 character and appearance of the surrounding area.
13. The extension has materially increased the overall building mass on the site, introducing a substantial additional first floor element of similar height to the host dwelling. The scale and massing of the building has increased, which is harmful to openness in spatial terms.
14. The extension is set back from the front elevation, providing a limited degree of visual subservience to the host dwelling. In addition, the dwelling is set back from the road and the front garden contains several trees which filter views into the site to some extent. Nevertheless, the extended dwelling is visible from the road across the level front garden and therefore the additional building mass is also harmful to openness in visual terms.
15. The site is already developed for residential purposes and as such the development does not encroach further into the countryside. Nor does it involve the outward sprawl of a built-up area or merging of settlements. Nevertheless, for the above reasons, I conclude that there is harm to openness at a localised level, in both spatial and visual terms.

#### *Other Considerations*

16. The Council does not allege that the extension harms the character and appearance of the area in more general terms and having visited the site, I have no reason to reach a different view. However, absence of such harm is a neutral consideration which weighs neither for nor against the development.
17. The introduction of brick slips and render to the front elevations integrates the elevational detailing of the extensions with that of the host dwelling. However, since there would be nothing to prevent the external appearance of the pre-existing extensions being upgraded in the absence of further additions, I have given this positive aspect of the development limited weight.
18. Enhancement of soft landscaping would not adequately mitigate the effect of the additional building mass on openness in spatial terms and would be of limited effectiveness in visual terms since the extension is at first floor and roof level. I have therefore also given the proposed additional landscaping limited weight.

19. While the extension has a limited degree of subservience to the host dwelling, both the Framework and the development plan require consideration of the cumulative effect of extensions compared to the original building. In consequence, even visually subservient extensions can be precluded in situations where the host building has already been extended to a significant degree.
20. The development provides increased household accommodation. No specific conflict is alleged with aspects of the Framework relating to the wider objectives of sustainable development or development in the countryside more generally. However, this does not negate the conflict with the Framework's provisions regarding development in the Green Belt and the consequent conflict with the Framework when considered as a whole.

#### *Green Belt Balance*

21. I have concluded that the development is inappropriate development in the Green Belt as defined in the Framework and relevant development plan policies. It results in harm to the openness of the Green Belt, albeit at a localised level.
22. 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 development, I have given those factors limited weight for the reasons set out above. Therefore, whether considered individually or cumulatively, the harm to the Green Belt is not clearly outweighed by any other considerations. In consequence, the very special circumstances necessary to justify the development do not exist.
23. I have not been provided with any evidence indicating that the development plan policies which are most important for determining the application are out of date. Even if such evidence had been provided, given the conclusions I have reached above there is a clear reason for refusing the development based on the application of policies in the Framework that protect areas of particular importance, namely the Green Belt. Therefore, the development does not benefit from the presumption in favour of sustainable development, for reasons set out in paragraph 11 d) i. of the Framework.

#### **Conclusion**

24. 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 development 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