



Appeal Decision

Site visit made on 22 September 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2023

Appeal Ref: APP/V1505/D/22/3312847

Winifred Cottage, Windsor Road, Bowers Gifford, Basildon, Essex SS13 2LH

- 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 Anthony Maskell against the decision of Basildon Borough Council.
- The application Ref 22/01035/FULL, dated 14 July 2022, was refused by notice dated 20 September 2022.
- The development proposed is a ground floor rear orangery to rear, 1st floor rear extension over existing ground floor extension and alterations to roof line. Detached double garage to match details of new house elevations.

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.
 - If the proposal is inappropriate development, 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. There is no dispute between the main parties that the appeal site lies within the Green Belt. Paragraph 149 of the Framework, states that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to the exceptions listed.
4. One of the exceptions, set out in Paragraph 149.c) of the Framework, 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. The Framework does not define 'disproportionate additions', however the glossary defines the original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

5. Policy BAS GB4 of the Basildon District Local Plan Saved Policies (September 2007) (the LP) states that dwellings in the Green Belt will be allowed to extend to 90 square metres or (my emphasis) by 35 square metres over and above the original floor area of the dwelling (or the area as at 1 July 1948), whichever is the greater. This policy is broadly consistent with the Framework's policies on Green Belt only insofar as it seeks to protect the openness of the Green Belt.
6. The Council's evidence, which has not been disputed, indicates that the appeal dwelling was originally built with a floor area of approximately 210 square metres. As such, the floor area of the original dwelling exceeds the 90 square metre floor area set out in LP Policy BAS GB4, that dwellings are permitted to extend to.
7. Based on the evidence before me, a flat roofed rear extension has added floor space to the original dwelling. The proposed extensions would increase the existing dwelling's floor area by a further approximately 45 square metres. Taken together, the previous and proposed extensions would extend the floor area of the dwelling by approximately 56 square metres over and above its original floor area, thus exceeding the 35 square metre maximum floor area set out in LP Policy BAS GB4.
8. The rear single storey extension would be of a relatively significant depth that would increase the footprint of the dwelling. Combined with the first-floor extensions to the front and rear, the totality of the proposed extensions would add bulk and noticeably increase the volume of the existing dwelling.
9. For these reasons I find that the proposed extensions would represent a disproportionate addition over and above the size of the original building and constitute inappropriate development in the Green Belt for the purposes of the Framework and LP Policy BAS GB4.
10. The Council concluded that the proposed garage would not meet any of the Framework's exceptions in Paragraph 149 to the construction of new buildings in the Green Belt. The evidence before me does not contradict this conclusion or cause me to reach a different finding in this respect. Consequently, the proposed garage would constitute inappropriate development in the Green Belt.
11. 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. Substantial weight should be given to any harm to the Green Belt.

Openness

12. 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. Openness can be perceived spatially and visually.
13. The proposed extensions would be attached to the appeal dwelling and generally well contained within its grounds, including being further than 2.5 metres from the site boundaries as required by criterion (i) of LP Policy BAS GB4. However, in spatial terms, the proposed extensions would reduce the openness of the Green Belt by occupying part of the appeal site that is currently free from built development.

14. The appeal property is set amongst a row of properties fronting the road, which includes permanent dwellings of varying sizes and designs, mobile homes, a few large industrial type buildings, and undeveloped plots of land. The planting alongside the road and the presence of nearby buildings provides a good degree of screening of the appeal property in longer distance views. However, in close distance views from the road, the proposed extensions would nonetheless noticeably increase the bulk and massing of the building, resulting in loss of openness to the Green Belt in visual terms.
15. In spatial terms, the proposed garage would be a relatively large building that would inevitably reduce the openness of the Green Belt by occupying part of the appeal site where no building exists. Although it would not be particularly prominent in longer distance views for the reasons given above, it would be clearly visible in closer distance views from the road. In this position, and despite being seen with other buildings nearby, the scale and massing of the proposed garage would increase the visible extent of built form across the appeal site. As such, it would cause a loss of openness in visual terms. Even if I were to accept that the garage was subordinate in scale to the existing dwelling, it would not alter my conclusion on its effect on openness.
16. For these reasons, I find that the proposed extensions and garage would harm the openness of the Green Belt in both spatial and visual terms, albeit to a relatively moderate and localised extent. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. I therefore give substantial weight to the appeal proposal's harmful effect on the openness of the Green Belt.

Other considerations

17. The materials of the proposed extensions and garage, and the architectural style of the proposed garage would reflect the style and materials of the existing dwelling. Sited relatively close to the existing dwelling in a practical position close to the vehicle access the proposed garage would be clearly associated with the domestic use of the appeal property. However, even if I were to accept that the appeal proposals would not harm the character and appearance of the area, an absence of harm in these respects would be a requirement of any well-designed development and it would not weigh positively in favour of the proposed development. As the planning system is mainly concerned with the use of land in the public interest, the benefits of the development to property's owners/occupiers carries limited weight in its favour.

Green Belt balance and Conclusion

18. The appeal proposal would constitute inappropriate development and would harm the openness of the Green Belt. 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.
19. In this case, there are no other considerations that would clearly outweigh the harm the proposed development would cause to the Green Belt by reason of inappropriateness and harm to openness. Therefore, the very special circumstances necessary to justify the appeal proposal do not exist.

20. For the reasons given above and having considered all other matters raised, I conclude that the appeal proposal conflicts with LP Policy BAS GB4 and the Framework. There are no 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