



Appeal Decision

Site visit made on 7 November 2023

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2023

Appeal Ref: APP/C1570/D/23/3322610

**Burstead Cottages Sawbridgeworth Road, Little Hallingbury, Essex
CM22 7QU**

- 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 K Sees against the decision of Uttlesford District Council.
 - The application Ref UTT/23/0232/HHF, dated 31 January 2023, was refused by notice dated 6 April 2023.
 - The development proposed is described as 'two storey side extension, single storey rear extension and erection of detached garage.'
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension, single storey rear extension and erection of detached garage at Burstead Cottages, Sawbridgeworth Road, Little Hallingbury, Essex CM22 7QU in accordance with the terms of the application, Ref UTT/23/0232/HHF, dated 31 January 2023, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 2038/22/01/A, Existing Floor Plans, Elevations, Site Plan & Location Plan
 - 2038/22/02/D, Proposed Floor Plans and Elevations
 - 2038/22/03/E, Proposed Street Elevation and Site Plan
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. Although the application form and decision notice refer to the site as Bursteads Cottages, the appeal form refers to Burstead Cottages. This is also the spelling which appears on signage at the appeal site. I have therefore used the singular form in the banner heading above.
3. I have also determined another appeal, Ref APP/C1570/D/22/3313474, on the same site, in relation to an alternative proposal with the same description. That appeal is the subject of a separate decision.

Main Issue

4. The main issue is 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.

Reasons

5. The appeal site is a semi-detached cottage in a group of four similar dwellings in a rural location. It is on land designated as Green Belt.
6. 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).
7. In the Uttlesford Local Plan adopted 2005, Policy S6 defines the extent of the Green Belt and the supporting text confirms that national planning policy on Green Belts will be applied within that area. Policies GEN2 and H8 set out various design criteria applicable to the proposed development, but are not restricted to consideration of development in the Green Belt. Policy GEN2 also requires that proposals have regard to adopted Supplementary Planning Documents (SPDs). These include the Council's SPD on Home Extensions adopted November 2005. The SPD reflects the provisions of the Framework, stating that an extension in the Green Belt will only be allowed if it is limited in size and proportionate to the size of the original building.
8. The Council's Officer Report sets out that the proposed extensions would increase the footprint of the original building by some 127% and I have been presented with no evidence to the contrary. However, the rear extension would be on a single storey and the two storey element would be of lower overall height than the original building. Therefore, while the footprint of the building would more than double, no clear conclusions can be drawn about the percentage increase in the external volume of the building. Furthermore, neither the Framework nor the development plan imposes any specific percentage limit when considering whether an extension would be disproportionate in scale.
9. In combination with its lower overall height, the fully hipped roof around the front of the extension would moderate its massing, allowing the original front gable to remain the largest and most prominent building element. At the rear, the increased width of the building would be more clearly expressed. However, the valley between the original and extension roof elements would limit the additional building bulk. The rear single storey element would, in itself, be of modest proportions.
10. The extent of the original cottage would remain clearly discernible and the extension would be identifiable as a subsequent addition of more modest proportions. As a result, by virtue of the particular design approach adopted, the extensions would not appear disproportionately large or bulky compared to the original building, despite the substantially increased building footprint.
11. The Council did not raise any objection on Green Belt grounds to the proposed garage, having considered it against the provisions of the Framework regarding

replacement of existing buildings. Based on the evidence before me, I have no reason to reach a different conclusion on this element of the proposal.

12. For the reasons given above, I conclude that the proposal would not result in disproportionate additions over and above the size of the original building. Therefore, it would not amount to inappropriate development in the Green Belt as defined in the Framework. As such, it would not conflict with relevant requirements in Policies S6, H8 and GEN2 of the Uttlesford Local Plan and the associated Home Extensions SPD. These policies, amongst other things, apply national planning policy within areas designated as Green Belt, limiting the scale of home extensions to those which are limited in size, proportionate to the size of the original building and respectful of its scale.

Other Matters

13. The Courts have established¹ that where development is found not to be inappropriate within the Green Belt, the question of its effect on openness does not require further consideration. By providing an exception allowing certain extensions to existing buildings, the Framework implicitly accepts that there may be associated effects on openness, but that this does not render such development inappropriate in principle. Therefore, having concluded that the proposal would not be inappropriate development in the Green Belt, there is no need for me to consider its effect on openness any further.

Conditions

14. The Council considers standard conditions would be necessary, encompassing the time limit for implementation of the development, compliance with the approved plans and a requirement to use matching external materials. I agree that these would be necessary and would be otherwise consistent with advice in the Framework and Planning Practice Guidance. No other conditions have been suggested and I am satisfied that none are required.

Conclusion

15. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed.

Jane Smith

INSPECTOR

¹ Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404