



Appeal Decision

Site visit made on 12 December 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2023

Appeal Ref: APP/V1505/D/23/3316980

Meadow View, Cranfield Park Road, Wickford SS12 9ES

- 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 G Welland against the decision of Basildon Borough Council.
 - The application Ref 22/01419/FULL, dated 5 October 2022, was refused by notice dated 28 November 2022.
 - The development is proposed extension.
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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 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 and the host property; and,
 - if the proposal is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

3. The appeal site lies within the Green Belt and consists of a detached chalet-style dwelling. The principal part of the dwelling is rectangular in form, with a conservatory to the rear. Dormer windows are present on the front and rear elevations. To the front of the dwelling is a detached double garage, which has a pitched roof.
4. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. 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, and very special circumstances will not exist unless the potential harm to the Green Belt

- by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
5. The construction of new buildings is deemed to be inappropriate development within the Green Belt. However, there are a number of exceptions to this, including paragraph 149 c) of the Framework, which relates to 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. There is no definition of 'disproportionate additions' in the Framework. The Framework refers to 'size' in relation to the original building, which can reasonably be interpreted to include volume, height, external dimensions, footprint or floorspace. Annex 2 of the Framework defines the 'original building' as a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was originally built.
 6. Policy BAS GB4 of the Basildon District Local Plan Saved Policies (the Local Plan) September 2007 refers to extensions to dwellings in the Green Belt. This policy among other things states that dwellings in the Green Belt will be allowed to extend to 90 sqm or by 35 sqm over and above the original floor area of the dwelling (or the area as at 1 July 1948), whichever is the greater. While the Local Plan pre-dates the Framework, I find that this policy is broadly consistent with the Framework and I give it moderate weight in my decision.
 7. The Council advise that the dwelling was extended in 2004 to provide accommodation at first floor level. A conservatory has also been added to the property. The Council's figures indicate that the existing bungalow has a floorspace of approximately 218 sqm, with 135 sqm provided at ground floor level and 83 sqm at first floor level. These figures are not disputed by the appellant.
 8. The proposal seeks to provide a first floor extension to the property, with a void beneath. The proposed extension would link to the existing garage. The roof of the garage would be modified to provide accommodation above. The Council state that the proposed first floor extension would provide a further 47.64 sqm of floorspace to the previously extended building. The evidence before me does not make a comparison based on the size of the 'original dwelling'. Nevertheless, the proposed development on its own would exceed the allowance set out in Policy BAS GB4 of the Local Plan. In combination with the previous extensions/alterations, the proposal would increase the floorspace of the original dwelling significantly; thus, resulting in a disproportionate addition.
 9. Floor space is not the sole determining factor when assessing or measuring whether an extension would result in a disproportionate addition. The proposed extension would project significantly further forward than the existing front building line. While I have not been provided with any volumetric calculations, the proposal would result in a significant increase in mass and bulk at first floor and roof level. The proposal would link the dwelling to the garage, resulting in a sizeable front projection that would appear disproportionately large and prominent in relation to the host dwelling. The proposed works to the garage roof would further exacerbate the bulk and massing of the development.
 10. For the reasons given above, I conclude that the proposed development would result in a disproportionate addition over and above the size of the original dwelling. As a result, the proposal would be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. The proposal

would conflict with Policy BAS GB4 of the Local Plan. This policy among other things seeks to restrict the size of extensions to dwellings in the Green Belt.

11. The proposal would also conflict with paragraph 149 c) of the Framework, which requires that extensions to dwellings within the Green Belt do not result in disproportionate additions over and above the size of the original building.

Openness

12. Openness is an essential characteristic of the Green Belt that has visual as well as spatial aspects. While the proposal would infill a space between the dwelling and existing garage, this would lead to a front projection that would appear disproportionate in size in relation to the dwelling. The increase in volume and massing at first floor and roof level would result in a harmful loss of spatial openness to the Green Belt.
13. There would be glimpsed views of the proposed extension from the public realm. However, these would be limited given that the dwelling is set back from the highway and partially screened by the existing soft landscaping and boundary treatment. The proposal would result in a significant increase in bulk and massing at first floor level, which would be highly visible from adjacent residential properties. Consequently, the proposal would also result in a harmful loss of visual openness to the Green Belt.
14. For the reasons given above, I conclude that the proposal would harm the openness of the Green Belt. The proposal would conflict with the Framework, which seeks to keep land permanently open.

Character and appearance

15. The area is semi-rural in character. Properties are typically set in large plots, which are well landscaped. The existing dwelling is modest in size and respects the character and appearance of the area. The proposal would have the same ridge height as the existing property and extend significantly past the front elevation of the dwelling and link up with the existing garage. The proposal would fail to appear subservient to the host dwelling and would create a large and bulky mass, which would appear overly dominant on the front of the property.
16. The proposed development would create a large void at ground floor level. It would also result in a large expanse of bland brickwork on the east elevation and significantly extend the roof of the existing dwelling adjacent to the boundary. The proposal by reason of its size, design and siting would appear particularly intrusive when viewed from adjacent properties.
17. For the reasons given above, I conclude that the proposed development would be harmful to the character and appearance of the area and host dwelling. The proposal would conflict with Policy BAS BE12 of the Local Plan. This policy among other things seeks to prevent harm to the character and appearance of the area. The proposal would also conflict with the Framework, which seeks to achieve well designed places and requires that development is sympathetic to local character.

Other considerations

18. I note from the appellant's statement and my site visit that two storey dwellings are being constructed adjacent to the appeal site. However, I have not been provided with full details of the circumstances of this scheme and therefore give the adjacent scheme limited weight in my decision. In any event, I am required to determine the appeal on its own merits.
19. The appellant's statement makes reference to Policy GB5 of the emerging Local Plan. However, this policy does not form part of any reason for refusal. I have not been provided with details of the stage of preparation of the emerging plan, whether there are any unresolved objections to this policy and the degree of consistency of this policy with the Framework. I therefore give this policy very limited weight in my decision.
20. While the proposal may be smaller in size than the previously dismissed scheme and the appellant confirms that they would be happy for permitted development rights to be removed for the property, these factors do not overcome the harm that I have identified.

Conclusion

21. The proposal would be inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. The proposal would also cause harm to the openness of the Green Belt. Paragraph 148 of the Framework is clear that substantial weight should be given to any harm to the Green Belt. In addition, the proposal would cause harm to the character and appearance of the area. Overall, I afford the other considerations advanced in this case limited weight in favour of the development. Having considered all the material considerations in favour of the development, I conclude that very special circumstances do not exist that clearly outweigh the harm to the Green Belt, by reason of inappropriateness and the other harm resulting from the proposal.
22. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the Framework, that would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

A James

INSPECTOR