

Appeal Decision

Site visit made on 16 January 2024

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/V1505/D/23/3327964

St Marys Cottage, Eversley Road, Pitsea, Basildon, Essex SS13 2DG

- 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 Susan Roebuck against the decision of Basildon Borough Council.
 - The application Ref 23/00688/FULL, dated 22 May 2023, was refused by notice dated 17 July 2023.
 - The development proposed is first floor rear extension.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - whether the proposed extension would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - the effect on the character and appearance of the host dwelling and the surrounding area; and
 - whether any 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

3. The appeal property is a semi-detached chalet bungalow in a residential road of similar properties and detached dwellings of varied design and appearance.

Whether the proposal would be inappropriate development

4. Policy BAS GB4 of the Basildon Local Plan Saved Policies (2007) indicates that extensions to dwellings in the Green Belt will be allowed provided certain requirements are met. The main requirement in terms of size is that dwellings will be allowed to extend to 90m² or by 35m² over and above the original floor area of the dwelling, whichever is the greater. The Framework states that an exception to inappropriate development in the Green Belt 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 building¹.

5. The appellant contends that, by including a numerical requirement, Policy BAS GB4 is inconsistent with the more recent Framework. I give little weight to draft plan policies that increased or dispensed with the numerical requirement. Policy BAS GB4 remains part of the adopted development plan unlike these subsequent draft policies. Reference is also made to appeal decisions where this matter was considered. In one the Inspector found that, while the Framework provides no clear guidance over what may or may not amount to disproportionate additions, it represents the more contemporary advice². This finding related to the particular size of the proposed extension in that case and does not in my view preclude assessment against the provisions of Policy BAS GB4 in all other cases. In the other appeal referred to, the Inspector found that the policy's criterion concerning size provided a helpful general yardstick against which to judge proposals³. I see no reason to take a different view.
6. The Council indicates that the original dwelling was 71m² in area, while previous extensions increased this to 129m², or 137m² based on the submitted plans. These figures are not contested, although there is a marginal difference between the parties on the area of the proposed extension: 16m² according to the Council, just under 15m² for the appellant. However, even if the lower measurement in each case is applied, this results in the previous and proposed extensions doubling the floor area of the original dwelling. Consequently, the proposal is not comparable to that in the first appeal referred to above, which involved a 47.5% increase in floor area; or to the proposal in the second appeal, which refers to a 26% increase.
7. I acknowledge that the form of the proposed first floor extension represents a limited increase in volume, but by any reasonable assessment the doubling in floor area from the original dwelling represents a disproportionate increase, judged against both Policy BAS GB4 and the Framework. As such, I conclude that the proposal would be inappropriate development in the Green Belt.
8. The proposed extension in this location would not conflict with any of the Green Belt purposes included in the Framework and the effect on openness in this residential setting would not be harmful.

Character and appearance

9. The appeal property has a relatively deep single storey flat-roofed element to the rear, which the proposed extension would sit above, covering the full depth of the single storey projection and most of its width. Consequently, while it would respect the existing roof ridge height, it would result in a substantial addition to the appeal property. In terms of design, the pitched roofed with a gable end would adjoin and be positioned partly in front of the existing flat-roofed dormer. This would result in a complex and incongruous overall roof form, due to the lack of visual integration between the existing and proposed designs.

¹ Paragraph 154c).

² APP/V1505/D/17/3189279.

³ APP/V1505/D/13/2210040.

10. The adjoining dwelling shares the same character and appearance as the appeal property, with a similar single storey projection and the same form of dormer window. The extended roof would, therefore, unbalance the appearance of the paired dwellings. While these effects would not be apparent from the road frontage, they would readily be seen from the neighbouring long rear gardens. From these views the incongruous and uncharacteristic appearance of the extended roof would be seen and would, therefore, harm the surrounding area.
11. Accordingly, for these reasons, I conclude that the proposed extension would have an unacceptably harmful effect on the character and appearance of the host dwelling and the surrounding area. It is, therefore, contrary to Policy BAS BE12 of the Local Plan, which requires that extensions should not harm the character of the surrounding area or be over-dominant. It is also contrary to the Framework, which advocates good design.

Other considerations and whether very special circumstances exist

12. I have had regard to the appellant's personal circumstances and acknowledge that additional space is required to address a family member's needs. While I give this matter weight it is unclear that the particular form of extension proposed is the only manner in which this matter can be addressed. The fact that there were no objections to the proposal from neighbouring occupiers or other interested parties cannot weigh in its favour, but rather is a neutral factor.
13. The proposal would represent inappropriate development, which is, by definition, harmful to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt. It would also have an unacceptably harmful effect on the character and appearance of the host dwelling and the surrounding area.
14. There are no other considerations raised in support of the development that would outweigh the harm identified to the Green Belt and the other harm. Therefore, very special circumstances do not exist.

Conclusion

15. The proposed extension is contrary to the development plan and there are no other considerations that outweigh this conflict. Accordingly, for the reasons given, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR