



Appeal Decision

Site visit made on 13 February 2024

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2024

Appeal Ref: APP/W1525/D/23/3320706

Glenwood, Nathans Lane, Writtle, Chelmsford, Essex CM1 3RF

- 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 David Harley against the decision of Chelmsford City Council.
 - The application Ref is 23/00059/FUL.
 - The development proposed is proposed double garage - detached.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the application was determined, the National Planning Policy Framework (the Framework) was revised. Its content in respect of the main issues has not been materially altered. Therefore, in this instance it has not been necessary to consult the parties on the revisions to the Framework.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt; and
 - if the development is inappropriate, 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

4. The Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt but there are a number of exceptions to this as set out in paragraph 154. Policy DM6 of the Chelmsford Local Plan (LP) has a similar list of exceptions to that set out in the Framework although some of these are supported by more detailed policies in the LP.
5. The council identifies that the garage could be considered as an extension to the dwelling even though it is detached. LP Policy DM11 permits the extension or alteration to a building in the Green Belt provided it does not result in a

disproportionate addition over and above the size and scale of the original building. This is consistent with paragraph 154 c) of the Framework.

6. The original building is defined at paragraph 8.77 of the LP as that built at 1 April 1974, or if built after this date, as originally built. Neither the LP nor the Framework provides a definition for disproportionate extensions or additions, but it is appropriate to have regard to the size and scale of the original compared to the resulting building.
7. Glenwood is set within spacious grounds with a gated access and driveway and is bound by hedges along the roadside. It is a single storey building which was extended to connect it to an existing garage onsite which has been converted into living space. It has also been extended to the rear. Based on the figures provided by the council, the extensions and additions have already resulted in an approximate 160% increase in the floor area and created a significantly wider and deeper building than the original. The appellant has not disputed the council's figures.
8. The proposed garage would be a single storey structure with a pitched roof, and it would be sited adjacent to the house. It would widen the built form associated with the dwelling, especially given the limited gap between the house and the proposed garage. When taking into consideration the cumulative effect of the extensions that have already been carried out, the proposal alongside these additions, would result in a disproportionate addition over and above the size and scale of the original building.
9. Therefore, the proposal would not comply with LP Policy DM11. There is no claim that the proposal would accord with any other exceptions set out under LP Policy DM6 or paragraph 154 of the Framework and so it be inappropriate development in the Green Belt.

The effect of the proposal on the openness of the Green Belt

10. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development, and it has both spatial and visual aspects.
11. The site of the proposed garage is part of the driveway and whilst the land is covered by gravel the site is essentially open land. The proposal would introduce new built form where there currently is none. This would consequently erode the spatial aspect of the openness of the Green Belt.
12. To the rear of the proposed garage is a close boarded fence and as such the outlook from the road is partly enclosed by this fence. The site is also bound by tall trees which enclose the site from further viewpoints. From the road the house is partially screened by the gated access and the boundary hedges, and this would limit where the garage could be seen from. The proposed garage would be taller than the fence to the rear and would have a greater bulk. Overall, whilst the site is relatively well screened the garage would be seen from limited viewpoints in the local area. Consequently, it would erode the visual aspect of the openness of the Green Belt.
13. Overall, I have found that the proposal would erode both the spatial and visual dimensions of the openness of the Green Belt. For the reasons given above, the proposal would cause modest harm in these respects.

Other Considerations and Green Belt Balance

14. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. LP policies DM6 and S11 are consistent with the Framework in these regards. I have concluded that the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. In addition, there would be adverse impacts on openness. 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 are clearly outweighed by other considerations.
15. The proposal would provide secure parking for vehicles and storage for machinery used to maintain Glenwood's grounds. Additionally, the design of the garage would be consistent with the house and would not harm the character or appearance of it and would be consistent with the other houses in the area that have similar outbuildings. Whilst these outbuildings are visible within the area, they fail to justify further loss of Green Belt openness. Overall, I give these considerations modest weight in support of the proposal.
16. Consequently, the substantial weight to be given to Green Belt harm is not clearly outweighed, even collectively, by the other considerations. As such, the very special circumstances necessary to justify the proposal do not exist.
17. Therefore, I find that the proposal would be contrary to Policies S11 and DM6 of the LP as well as the Framework. These seek, amongst other matters, to protect the openness and permanence of the Green Belt.

Conclusion

18. The proposed development would conflict with the development plan as a whole and the other considerations do not indicate that a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

G Sibley

INSPECTOR