



Appeal Decision

Site visit made on 9 February 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2024

Appeal Ref: APP/B5480/D/23/3325919

1A Paternoster Row, Noak Hill, Romford RM4 1LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Alan Maltwood against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0570.23.
 - The development is described as a retrospective application to retain existing outbuilding, retain part of the fence and removal of part timber and part steel hoarding and fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 December 2023, the Government published its revised National Planning Policy Framework ('the Framework'). The Framework represents the Government's up-to-date planning policies for England and how they should be applied. I have had regard to the Framework in reaching my decision.
3. The building subject to the appeal has been constructed. I am therefore considering the appeal retrospectively.

Main Issues

4. The appeal site is within the Green Belt and so the main issues are:
 - Whether or not the development is inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt;
 - The effect of the development on the character and appearance of the area;
 - The effect of the development on the living conditions of occupants of surrounding residential properties in terms of outlook and privacy; and
 - If the development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Site and appeal development

5. The appeal site comprises an existing detached dwelling with garden and the outbuilding subject to the appeal. It is located on a street of residential properties of various designs and sizes, most of which include outbuildings. The street is notable for its spaciousness and more rural feel.
6. The planning history outlines previous planning consents to extend the property which have been expanded upon in the Council's evidence.
7. The appeal development is for a single storey outbuilding which is sited to the north of the dwellinghouse.
8. The courts have held that some outbuildings may be considered as extensions on the basis that they are 'normal domestic adjuncts', for example, the construction of a garage in close proximity to a dwelling. Given its proximity to the dwelling and that it was submitted and considered as a householder development, I consider this to be the case with the outbuilding subject to the appeal.

Whether or not inappropriate development

9. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 154. One of the exceptions cited 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'. Policy G2 of the London Plan (2021) protects the Green Belt from inappropriate development, stating that development proposals that harm the Green Belt should be refused except where very special circumstances exist.
10. The Framework does not define what constitutes a 'disproportionate' addition. The 'original building' is however defined as the building as it existed on 1 July 1948 or, if constructed after this time, as it was originally built.
11. The Council's undisputed evidence outlines the previous extensions that have been undertaken at the property. The officer report refers to a previous planning consent¹ which permitted extensions that amounted to an increase in the floor area from the existing property of some 99%. The Council have also set out that this increase was based on the property as it existed at the time, and not the 'original building', meaning that the increase would have been greater than 100% from the original building.
12. The officer report gives the floor area of the appeal building as around 100sqm. Having regard to the size and scale of the original building, together with the existing additions, the appeal development due to its size and scale represents a disproportionate addition over and above the size of the original building in terms of paragraph 154 of the Framework.
13. For these reasons, the development constitutes inappropriate development in the Green Belt and is contrary to Policy G2 of the London Plan (2021).

¹ P1282.19

Openness

14. The Framework outlines that one of the essential characteristics of Green Belts is their openness. Openness has a spatial aspect as well as a visual aspect. The plans show that there was previously no structure on the site of the appeal development. Therefore, it cannot fail but to have a greater impact on the openness of the Green Belt in spatial terms. I find that in light of the overall size and scale of the development, the impact causes harm and that such harm is moderate.
15. Similarly, due to its greater prominence by reason of its size, scale and being sited more prominently in the street-scene, the development has a greater impact on the openness of the Green Belt in visual terms. I find that in light of the overall size and scale of the development, the impact causes harm and that such harm is moderate.
16. I therefore consider that in both spatial and visual terms, the development causes moderate harm to the openness of the Green Belt and as such conflicts with the Framework.

Character and appearance

17. The courts have held that the visual dimension of the openness of the Green Belt does not exhaust all relevant planning factors relating to visual impact when a development in the Green Belt comes up for consideration. This means that it is possible that a development which would harm openness could be acceptable visually and vice versa.
18. The development represents the addition of a substantial outbuilding at the appeal property. I observed on my site visit that a number of other properties in the surrounding area have outbuildings of various designs, sizes and siting, including at both properties either side which are also visible from the street. None, however, appear to be quite as dominant or perceptible as the appeal building which displays a deep projection into the appeal site that, due to its siting, is very noticeable from the street.
19. Although it is of less scale and mass than the host dwelling it fails to appear as a subservient addition, appearing overly large and excessive for an ancillary outbuilding. Although the property has a large plot, this is not readily apparent from the street and the siting of the development erodes the sense of spaciousness that would have existed prior to its construction.
20. I find that due to its overall size, scale and siting, the building causes minor harm to the character and appearance of the area. This weighs against the appeal and is contrary to Policy 26 of the Havering Local Plan (2021). This policy requires, amongst other things, that development is of high-quality design that respects and complements the site and the local area.
21. The development is also contrary to the Council's Residential Extensions and Alterations Supplementary Planning Document (SPD) (2011) which outlines that outbuildings should be subordinate in scale to the existing dwelling and to the plot, should not detract from the character of the area and should be unobtrusively located.

Living conditions

22. The appeal building is situated close to the boundary with the adjacent property. The adjacent property has a very large rear garden, with the dwelling set further towards the front of the plot meaning its habitable room windows are some distance from the appeal building.
23. The Council acknowledge that the use of obscure glazing in the side elevation could be imposed by a planning condition. Given the siting of the appeal building and the adjacent dwelling, I consider that subject to such a condition were I to have allowed the appeal, there would not be harm caused in relation to privacy from overlooking.
24. The rear garden of the appeal property and its neighbour have a very slight downward slope so that the appeal building is slightly elevated from this perspective. There is also an outbuilding in the rear garden of the adjacent property in a similar position. Although the appeal building is visible from the adjacent property and its garden, its overall scale and siting, relative to that of the adjacent property and its garden with outbuilding, are such that there is not an unacceptable degree of harm in relation to outlook as a result.
25. The development therefore does not cause unacceptable harm to the living conditions of occupants of surrounding residential properties. It complies with Policy 7 of the Havering Local Plan (2021) which requires, amongst other things, that developments should not result in unacceptable overlooking or loss of privacy.

Other considerations

26. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 continues by stating that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
27. The development in this case amounts to inappropriate development in the Green Belt and the Framework requires that substantial weight is attached to the harm in that regard. It also causes moderate harm to the openness of the Green Belt and minor harm to the character and appearance of the area.
28. I acknowledge that the development provides additional accommodation at the appellant's property. Such personal circumstances seldom outweigh land use planning matters and I give them limited weight in the appeal.
29. The absence of harm to the living conditions of occupants of surrounding residential properties is a neutral factor in the balance.

Planning Balance

30. The development constitutes inappropriate development in the Green Belt. When considered as a whole, moderate harm is caused to the openness of the Green Belt. The substantial weight to be given to Green Belt harm arising from the development and the minor harm to the character and appearance of the area is not clearly outweighed by other considerations. Consequently, the very special circumstances necessary to justify the development do not exist.

Therefore, the development does not accord with the Green Belt aims of the Framework and the London Plan.

Conclusion

31. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR