



Appeal Decision

Site visit made on 20 August 2024

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 18 September 2024

Appeal Ref: APP/B1550/D/24/3336489

91 Plumberow Avenue, Hockley, Essex, SS5 5AT.

- 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 M. Chapman against the decision of Rochford District Council.
 - The application Ref is 23/00646/FUL.
 - The development proposed is a two-storey rear extension and reconfiguration of front elevation incorporating 3 bay windows. Detached carport.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's decision letter describes the two-storey rear extension, reconfiguration of the front elevation and the detached carport as retrospective. It is clear from the evidence provided and my site visit that the development has been undertaken onsite. I shall determine the appeal accordingly.
3. The appellant contends that there is a complicated history regarding the alignment of the Green Belt boundary on this site. Apparently, the Green Belt boundary at one time went through the middle of the property and did not include the whole of the property. Accordingly, he considers the Council's calculations are incorrect. However, no substantive evidence has been provided in respect of this contention and the property is now clearly within the Green Belt, save for the access drive. I shall proceed to determine the appeal on this basis.

Main Issues

4. I consider the main issues in this case to be:
 - a) whether the development constitutes inappropriate development in the Green Belt;
 - b) its effect on the openness of the Green Belt; and
 - c) if it 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 very special circumstances necessary to justify the development.

Reasons

Whether the development constitutes inappropriate development in the Green Belt

5. 91 Plumberow Avenue (No 91) is a two-storey detached dwelling located in the Metropolitan Green Belt. The property is positioned well to the rear of the frontage dwellings facing Plumberow Avenue and is accessed down a relatively long single-track drive from the road. The dwellings in Plumberow Avenue and the access drive itself are outside of the Green Belt.
6. The site comprises an irregular shaped plot of land. At the front of the house is a detached garage and the 3 bay carport the subject of this appeal. To the rear and the side are two further outbuildings. The two-storey rear extension has already been built and projects some 1.4 metres beyond an earlier single storey rear extension and extends to the full width of the house. It projects about 4.4 metres from the first-floor rear wall of the property. The changes to the front façade comprise three bay windows on the ground floor which overhand the front wall by about 0.75 metres.
7. The Framework indicates that, with some exceptions, the construction of new buildings is inappropriate in the Green Belt. The construction of detached buildings ancillary to a dwelling is not one of the exceptions identified. The carport is therefore inappropriate development within the Green Belt.
8. However, the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building is one of the exceptions. Policy DM17 of Rochford District Council's local Development Framework-Development Management Plan (Adopted 16 December 2014) (DMP) states that applications for extensions and alterations to dwellings in the Green Belt will be considered favourably provided that, along with other things, the proposal would result in no more than a 25% increase in internal floorspace of the original dwelling.
9. The Council calculate that the total percentage increase in internal floor area over that of the original dwelling on the site to be 260%.
10. The appellant asserts that the Council has grossly over calculated the true level of adaption, inflated the numbers and based their calculations on outdated plans and ignored the submitted plans of the existing. However, the appellant has not submitted any evidence to substantiate these claims. By reference to the Council's evidence, I believe that, in reaching the total percentage increase of floor area over that of the original dwelling it has had due regard to, amongst other things, the pre-existing floor plans submitted by the appellant.
11. I conclude that the carport and the proposed extension are inappropriate development within the Green Belt. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on the openness of the Green Belt

12. Openness has both spatial and visual aspects. The appeal property sits beyond the rear of the development in Plumberow Avenue and Brackendale Close. In this case therefore the appeal site has a sense of both spaciousness and openness that contributes to the semi-rural setting of the property.
13. The introduction of a further outbuilding here and the enlargement of the existing dwelling has had, albeit a small, but nevertheless significant impact on openness, both in spatial and visual terms, resulting in a clear intrusion into the area. This harm to the openness of this part of the Green Belt conflicts with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open.

Other considerations

14. I note that the original dwelling as previously extended does not meet the current needs of the appellant's family nor was it constructed to current standards. However, given the harm to the Green Belt that I identified I can only afford that these matters very limited weight in the planning balance.
15. The appellant states that the floor area of the original dwelling at just 48.9 square metres would not meet the current technical housing standards. While that might well be the case that is not the bases upon which Green Belt policy is founded, I can therefore not give this matter any weight in my deliberations.
16. The appellant states that local ecology is grounded within the proposal and the dwelling as extended would contribute towards improving biodiversity. However, no evidence has been submitted in support of these contentions. Accordingly, I can give them no weight in support of this development.
17. I note that the Council found that in-design terms the development has not had a significant detrimental impact on either the host dwelling or the surrounding character and appearance of the area. Furthermore, it concluded that it has not caused harm to the living conditions of neighbouring occupiers, sufficient amenity space has been maintained, parking standards have been met and no harm to ecology and trees has been identified. I also understand that the new development has been built to be sustainable and overall to improve biodiversity. However, the absence of harm is a neutral factor in my considerations and, as such, I have given these matters very limited weight.
18. I understand from the appellant's evidence that the Council have granted planning permission for other large extensions in the Green Belt, including a 48% increase to a dwelling at 66 High Road Hockley. Nevertheless, whatever the background, their existence is not an appropriate justification for permitting the proposed development here contrary to Green Belt policy. Accordingly, in this case, I attach very little weight to the established scale of such other development nearby.
19. The proposed development constitutes inappropriate development in the Green Belt. No very special circumstances have been demonstrated which clearly outweighs the inherent harm to the Green Belt. The development therefore fails to accord with Section 13 *Protecting Green Belt Land* of the Framework, Policy GB1 of the Rochford District Council's Local Development Framework Core Strategy (Adopted December 2011) and DMP Policy DM17.

Conclusion

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

Philip Willmer

INSPECTOR