



Appeal Decision

Site visit made on 7 October 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2024

Appeal Ref: APP/W1525/D/24/3342244

2 Brick Cottage, Runwell Road, Runwell, Wickford SS11 7QF

- 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 B Gittins against the decision of Chelmsford City Council.
 - The application Ref is 23/01865/FUL.
 - The development proposed is a first floor extension over existing side projection and part single, part two-storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension over existing side projection and part single, part two-storey rear extension at 2 Brick Cottage, Runwell Road, Wickford SS11 7QF in accordance with the terms of the application, Ref 23/01865/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following plans: 01 Rev A, 02 Rev B and 03 Rev E.

Preliminary Matters

2. The application states that the site address is Brick Cottages, whereas the decision notice refers to the site as 2 Brick Cottages, whilst the appeal form states that the site address is 2 Brick Cottage. I have taken the address from the appeal form as this is more precise and reflects the address observed on site. I do not consider that this has prejudiced any of the parties and I have proceeded on this basis.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the Framework;
 - the effect of the proposal on the openness of the Green Belt; and
 - if it is inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development

4. The National Planning Policy Framework (the Framework) explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
5. The appeal site comprises a semi-detached two-storey dwelling. The dwelling has a single-storey element to the side and to the rear of the main two-storey part of the dwelling. The proposal includes a first floor extension above the existing single-storey part of the dwelling.
6. Paragraph 154 of the Framework regards the construction of new buildings as inappropriate in the Green Belt. An exception to this 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 DM11 of the Chelmsford Local Plan 2020 (CLP) supports extensions and alterations to existing buildings within the Green Belt where the extension and alteration would not result in disproportionate additions over and above the size and scale of the original building and be out of keeping with its context and surroundings or result in any other harm.
7. The parties agree that the original building comprises both the main two-storey element and the single-storey part of the building to the side. Moreover, the parties agree that the proposal would not result in disproportionate additions in respect of floor space.
8. The proposal would result in a limited increase in the height of the side element of the dwelling. While the proposal would extend the width of the single-storey element, the extension would not add a substantial amount of volume over and above that of the original building. The additional storey would be set back from the front of the main part of the dwelling and, with the lower ridge height and matching eaves level, would comprise a subservient addition to the building. Accordingly, the proposal would not result in disproportionate additions over and above the size of the original building.
9. Where a proposal is not inappropriate development in the Green Belt, it should not be regarded as being harmful to the openness of the Green Belt. As the proposed developments are not inappropriate development, as per Paragraph 154 c) of the Framework, an assessment on the effect of the proposals on the openness is not required. Likewise, very special circumstances do not need to be demonstrated in order for the proposals to be considered acceptable in Green Belt terms. Consequently, the proposal would accord with Policy DM11 of the CLP and the Framework, which seeks to protect the Green Belt from harm.

Conditions

10. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.
11. The Council has suggested conditions requiring the submission of samples of the materials to be used and large-scale drawings of the fenestration and

eaves, verges, hips and ridges in order to ensure that the development is visually satisfactory and does not detract from the character and appearance of the Conservation Area. However, the site is not within a Conservation Area and the details provided within the application form and plans are sufficient in this regard.

12. The Council has also suggested a condition that would remove permitted development rights in the event that the proposal is implemented or would not allow for the implementation of the development in the event that the dwelling is extended using permitted development rights. The Framework advises that conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Town and Country Planning (General Permitted Development) (England) Order 2015 does not remove permitted development rights in the Green Belt. Given the limitations in terms of size and position of development permitted, I am not persuaded that the site circumstances are such, to justify the removal of these permitted development rights.

Conclusion

13. For the reasons given above the appeal should be allowed.

J Pearce

INSPECTOR