



Appeal Decisions

Site visit made on 5 November 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Appeal A: APP/V1505/W/24/3345440

Bell Farm, 207 London Road, Wickford, Essex SS12 0LG

- 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 & Mrs B Peters against the decision of Basildon Borough Council.
 - The application reference is 24/00071/FULL.
 - The development proposed is removal of existing lean-to extension, pergola and walled garden and erection of a single storey side extension.
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Appeal B: APP/V1505/Y/24/3345444

Bell Farm, 207 London Road, Wickford, Essex SS12 0LG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs B Peters against the decision of Basildon Borough Council.
 - The application reference is 24/00072/LBBAS.
 - The works proposed relate to removal of existing lean-to extension, pergola and walled garden and erection of a single storey side extension.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. I have taken account of the consultation draft on the National Planning Policy Framework. Given its current status, it carries very limited weight. I am satisfied that the consultation draft does not fundamentally affect the substance of the matters under appeal. As a result, I have not sought further comments from the parties on this matter.
4. The Council raises no objections to the internal alterations to the listed building. Based on my site visit and the evidence before me, I have no reason to reach a contrary conclusion to the Council on the internal alterations.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework

December 2023 (the Framework) and any relevant development plan policies;

- the effect of the proposal on the openness of the Green Belt;
- whether the proposal would preserve the Grade II listed building, known as Bell Farmhouse (List Entry Number: 1305927) and any features of special architectural or historic interest which it possesses;
- the effect of the proposal on biodiversity; 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

Whether inappropriate development in the Green Belt

6. The appeal site lies within the Green Belt and consists of a two storey detached dwelling, which lies within a spacious and well landscaped garden. The dwelling has a two storey rear projection, which is a later addition. On one side of the dwelling is a large outbuilding. On the other side is a small lean-to, pergola and walled garden, which are proposed to be removed as part of the appeal scheme. There is ribbon development along the London Road, with agricultural land to the rear.
7. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
8. The construction of new buildings is deemed to be inappropriate development within the Green Belt. However, there are a number of exceptions to this, including paragraph 154 c) of the Framework, which relates to the extension or alteration of a building provided that it does not result in a disproportionate addition over and above the size of the original building.
9. Policy BAS GB4 of the Basildon District Local Plan Saved Policies, September 2007 (the Local Plan) states 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 90 square metres or by 35 square metres over and above the original floor area of the dwelling (or the area as at 1 July 1948), whichever is the greater.
10. I appreciate that floor area is not the sole determining factor when assessing or measuring proportionality. The Framework refers to 'size' in relation to the original building, which can reasonably be interpreted to include volume, height, external dimensions, footprint or floor area. While Policy BAS GB4 is restrictive in its assessment, this policy is nevertheless broadly consistent with the Green Belt policies in the Framework insofar as it seeks to protect the openness of the Green Belt from inappropriate development, including disproportionate additions.

11. The evidence before me indicates that a single storey rear projection has been present on the dwelling since at least the 1860s; albeit it appears that this was replaced in the mid-20th century. Consent was granted for a first floor rear extension above the single storey rear projection in the early 21st century. The Council calculates the floor area of the original dwelling to be 166 square metres, with later additions adding a further 34 square metres. The proposal would create an additional floor area of 48 square metres, which would create a dwelling with a total floor area of 248 square metres.
12. The proposed development would be far more substantial in its construction and of a greater volume than the existing lean-to, pergola and walled garden that it would replace. The proposal on its own would increase the floor area of the original dwelling over that permitted under Policy BAS GB4 of the Local Plan. This impact is far greater when taking into consideration the previous additions to the building. Overall, I find that the proposal would result in a disproportionate addition in relation to the original building. Consequently, the proposal would constitute inappropriate development in the Green Belt, which would conflict with paragraph 154 c) of the Framework and Policy BAS GB4 of the Local Plan.

Openness

13. Openness is an essential characteristic of the Green Belt that has visual as well as spatial aspects. The appeal site is well screened from the public realm by the existing boundary treatment and soft landscaping. Given the size and siting of the proposal, only glimpsed views would be available of the proposed development from the public realm to the front of the property. Views of the proposal would be available from the agricultural land to the rear of the site; however, these would be private views only. As a result, the harm to the visual openness of the Green Belt would be limited.
14. The proposal would replace an existing lean-to extension, walled garden and pergola. The proposed extension would be significantly greater in size than the lean-to. While the appellants consider that the proposal would not be materially larger than the wall and structure that it would replace, the proposal would extend further to the side of the dwelling than the existing built form and structures. The proposed development would also be far more substantial in its form and volume and would be less open in its appearance than the built form/structures that it would replace. As a result, I find that the proposal would harm the spatial openness of the Green Belt; albeit this harm would be limited given the scale of the proposal.
15. For the reasons given above, I conclude that the proposal would harm the openness of the Green Belt and would conflict with paragraph 142 of the Framework, which seeks to keep land within the Green Belt permanently open.

Listed building

16. Bell Farmhouse is a timber framed, Grade II listed building, which dates back to the 18th century. It is two storeys high and 3 bays wide and has a shallow hipped roof. The principal part of the building has a square plan form, with a later rear projection. The building features traditional, timber framed sash and casement windows.

17. Based on my site visit and the evidence before me, I find that the listed building's special interest, insofar as is relevant to these appeals is derived from its historic and architectural interest, as an illustration of 18th century domestic architecture. The building's simple plan form, the symmetrical design of its front elevation, use of traditional materials, the traditional form of its fenestration and its pleasing architectural style and design make important contributions in these regards.
18. The proposal seeks to construct a new extension in the area of the existing lean-to, pergola and walled garden. It would be constructed of red brick and attached to the dwelling by a glazed link. The front elevation has been designed to appear as a garden wall, with planting proposed to the front of the wall. The proposed extension would be significantly larger than the existing lean-to. I appreciate that the proposal would appear subservient to the listed building in terms of its height and it would be set back from the front elevation. It would also not obscure views of the front and rear elevations of the dwelling. However, the proposal, including the glazed link would be nearly as wide as the principal part of the dwelling. This would result in an extension that would appear out of proportion with the historic part of the building and would harmfully erode its simple, square plan form.
19. I appreciate that the glazed link would provide a visual break between the extension and listed building, which would help to reduce its overall massing and ensure readability. However, the glazed link by reason of its contemporary form and extent of glazing would harmfully discord with the relatively small, domestic openings and traditional materials found on the listed building. Although the proposal would appear light weight in its design, I find that the large expanses of glazing proposed on the extension would harmfully discord with the smaller and more domestic style openings on the listed building.
20. For the reasons given above, I find that the proposal would fail to preserve the special interest of the listed building. I give this harm considerable importance and weight in the planning balance of these appeals.
21. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 advises that any harm to or loss of, the significance of a designated heritage asset requires clear and convincing justification. Given the nature and extent of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
22. Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
23. The proposal would result in investment into the property, which would have a small economic benefit, which carries limited weight in favour of the proposal as a public benefit. The appellants state that the proposal would improve the functionality and therefore the optimum viable use of the dwelling for current and future users. However, the provision of additional accommodation and the change to the internal layout are purely private benefits. There is no substantive evidence before me that the proposal is necessary in order to secure the optimum viable use of the asset or that the use of the building as a

residential dwelling would cease in the absence of the proposed changes. Consequently, I do not find the proposal necessary to secure the viability and long-term conservation of the building.

24. The removal of the existing modern cupboard and access to the dining room would reinstate the proportions of the chimney breast in the kitchen and reinstate the historic circulatory routes around the ground floor of the building, which carries limited weight in favour of the proposal as a public benefit.
25. The appellants state that the existing wall and pergola are poor quality, modern additions and their removal would be beneficial. Nevertheless, I find the proposed development would result in a greater level of harm to the Green Belt and the listed building than exists at present. As a result, I find no public benefit in this regard.
26. Overall, I give limited weight to the public benefits of the proposal. Consequently, in attributing considerable importance and weight to the identified harm to the significance of the designated heritage asset, I find that there would be insufficient public benefits arising from the proposal to outweigh this harm.
27. Overall, I conclude that, on balance, the proposal would fail to preserve the special interest of the Grade II listed building. The proposal would fail to satisfy the requirements of the Act and would conflict with paragraphs 139, 201 and 207 of the Framework.
28. Although I find harm to the special interest of the listed building, given the size, design and limited visibility of the proposed extension from the public realm, I do not find conflict with Policy BAS BE12 of the Local Plan, which seeks to protect the character of the surrounding area.

Biodiversity

29. The rear section of the appeal site lies within a protected species alert area for biodiversity. The majority of the garden lies within the 10 metre buffer zone of the protected species alert area. The Council's Ecological Consultant considers that the proposed works are unlikely to impact upon designated sites or Priority habitats. Based on my site visit and the evidence before me, I find no reason to reach a contrary conclusion to the Council's Ecologist on this matter.
30. The Council's Ecological Consultant conducted a desk study which concluded that as the proposal involves the demolition of an existing extension and would affect the exterior of the dwelling, that there is the potential for the proposal to impact bats, which are a European Protected Species.
31. The proposal would involve the demolition of a small lean-to, which has a slate roof. Given that this is a modern addition to the building and has a very small roof area, I find that there is limited potential for bats to be roosting within the roof of the lean-to. The pergola and walled garden also have limited potential for roosting bats. Given the lightweight nature of the glazed link, I do not find that this element of the proposal would affect any building fabric where bats are likely to be present. My findings concur with those set out within the appellants' Preliminary Ecological Assessment and Bat Roost Assessment. Consequently, I find that the proposal would not be harmful to protected species. In this case, I consider that details of biodiversity enhancement measures could be secured by condition.

32. For the reasons set out above, I find that the proposal would not be harmful to biodiversity, in particular bats. As a result, the proposal would comply with paragraph 180 of the Framework which seeks that proposals minimise impacts on and provide net gains for biodiversity.

Other considerations

33. The appellants consider that Policy BAS GB4 is out of date. However, for the reasons set out above, I find it to be broadly consistent with the Framework. While I appreciate that permitted development rights have changed since the adoption of the Local Plan, which enables larger extensions to dwellings, there is no compelling evidence before me that the proposed development could be constructed utilising permitted development rights and I therefore give this argument very limited weight in my decision.
34. For the reasons set out above, I find that the reinstatement of the historic circulatory routes around the ground floor of the building and reinstatement of the proportions of the chimney breast, carry limited weight in favour of the proposal.
35. I appreciate that the proposal represents a significant reduction in floor space compared to a recently refused application. Nevertheless, I am required to determine these appeals on their own merits.

Green Belt Balance

36. The proposal would be inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. The proposal would also cause harm to the openness of the Green Belt and it would fail to preserve the special interest of a Grade II listed building. Paragraph 153 of the Framework is clear that substantial weight should be given to any harm to the Green Belt. Overall, I afford the other considerations advanced in this case limited weight in favour of the development. Accordingly, very special circumstances do not exist that clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other harm resulting from the proposal.

Other Matters

37. While the Town Council raises no objection to the proposal, this does not alter my findings as set out above.

Conclusion

38. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the Framework, that would outweigh that conflict. Therefore, I conclude that the appeals should be dismissed.

A James

INSPECTOR