



Appeal Decision

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: 20th November 2024

Appeal Ref: APP/V1505/D/24/3343295

Tibbs Porch, The Chase, Wickford, Essex SS12 9EX

- 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 Mark and Alice Hicks against the decision of Basildon Borough Council.
 - The application reference is 23/01546/FULL.
 - The development proposed is single storey rear and side extension. Demolition of existing conservatory and part of existing extension. Demolition of existing chimney. Addition of roof windows to rear of existing roof.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear and side extension. Demolition of existing conservatory and part of existing extension. Demolition of existing chimney. Addition of roof windows to rear of existing roof at Tibbs Porch, The Chase, Wickford, Essex SS12 9EX in accordance with the terms of the application, Ref 23/01546/FULL and 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 drawing nos: TISS129EX_SP1.0, TISS129EX-DR1.5B, TISS129EX-DR1.5D, TISS129EX-DR1.5E, TISS129EX_BP2.1, TISS129EX-VS1.4B and TISS129EX-VS1.4C.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.

Preliminary Matters

2. 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.

Main Issues

3. 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;
- the effect of the proposed development on the character and appearance of the host dwelling; 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 the proposal would be inappropriate development

4. The appeal property is a detached bungalow, which is located within the Green Belt. The proposal seeks to demolish an existing conservatory and part of an existing extension, chimney and roof window and construct a new single storey rear and side extension.
5. 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.
6. 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.
7. 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.
8. I appreciate that floor space 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 floorspace. 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.
9. The original dwelling was modest in size, but has already been substantially extended. The proposal would demolish part of the existing building and construct a new single storey rear extension of some considerable size. The proposal would more than triple the floor area of the original dwelling, which would result in a disproportionate addition to the original building.

Consequently, the proposal would constitute inappropriate development in the Green Belt, which would conflict with the Framework and Policy BAS GB4 of the Local Plan.

Openness

10. Openness is an essential characteristic of the Green Belt that has visual as well as spatial aspects. The proposal would be sited to the rear of the existing dwelling and partially screened from the public realm, by the existing built form, boundary treatment and soft landscaping. The increase in volume and massing to the rear of the property would result in a harmful loss of spatial openness and a small loss of visual openness to the Green Belt; albeit this harm would be limited given the scale of the proposal.
11. For the reasons given above, I conclude that the proposal would harm the openness of the Green Belt and conflict with paragraph 142 of the Framework, which seeks to keep land within the Green Belt permanently open.

Character and appearance of the host dwelling

12. The proposal would result in a large single storey extension to the rear of the property. Although the proposal would help to tidy up part of the rear elevation, which currently features a variety of later additions, the proposal would result in a large rear projection, that would fail to appear subservient to the host dwelling and would visually unbalance the property. Although the proposed extension would be partially screened from the public realm by the existing built form, boundary treatment and soft landscaping, views of the extension would be available from the public realm. In such views the proposal would appear as a disproportionate and discordant addition to the host dwelling.
13. For the reasons given above, I conclude that the proposal would be harmful to the character and appearance of the host dwelling and would conflict with Policy BAS BE12 of the Local Plan. This policy among other things seeks to protect the character of the area. The proposal would also conflict with paragraphs 135 and 139 of the Framework, which requires that development is well designed and sympathetic to the local character of the area.

Other considerations

14. The appellant has two Lawful Development Certificates (LDC) for single storey extensions to the property¹, which represent the appellants' fallback position. The proposal would follow the same footprint of the LDC schemes but remove the narrow gap between the extensions. Part of the proposed extension would also have a flat roof, which would reduce the overall volume of the proposal when compared to the LDC schemes. The Council does not consider that the LDC schemes would be implemented due to layout and accessibility issues. However, I observed on my site visit that works have commenced in relation to these schemes.
15. The Council also raises concerns in respect to the structural integrity of the LDC schemes. While this is not a planning matter, the appellants have set out how the structural issues could be addressed within their submission.

¹ 23/01227/LDCP and 23/01129/LDCP

16. The LDC schemes are a material consideration in the assessment of this proposal. Furthermore, I accept that there is a real possibility that they could be fully implemented should planning permission for the appeal scheme be refused.

Green Belt Balance

17. The proposed development would be inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. Furthermore, there would be harm caused by the small loss of openness to the Green Belt from the proposed development and harm to the character and appearance of the area. Paragraph 153 of the Framework is clear that substantial weight should be given to any harm to the Green Belt.
18. The proposed extension would have a smaller overall volume when compared to the LDC schemes. I give considerable weight to the potential fallback position which may be implemented and would have a slightly more harmful effect on the openness of the Green Belt and the character and appearance of the host dwelling than the appeal scheme.
19. Overall, I afford the other considerations advanced in this case considerable weight in favour of the development. Accordingly, very special circumstances exist that clearly outweigh the harm to the Green Belt, by reason of inappropriateness and the harm to openness and the character and appearance of the host dwelling.
20. As such, in this case, I find that this other consideration is of sufficient weight to clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness and effect on openness and the other harm that I have identified. As a result, very special circumstances exist to justify inappropriate development in the Green Belt.

Conditions

21. In addition to the standard time limit condition and in the interests of certainty, I have included a condition requiring that the development is carried out in accordance with the approved plans. A condition is also necessary to ensure that materials match the existing property and protect the character and appearance of the host building and surrounding area.

Conclusion

22. Although there would be conflict with the development plan, the balance of planning considerations in this case leads me to the view that the appeal should succeed. For the reasons given above, I conclude that the appeal should be allowed, and planning permission should be granted, subject to the conditions I have set out above.

A James

INSPECTOR