



Appeal Decision

Site visit made on 21 October 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2024

Appeal Ref: APP/M1595/W/24/3339368

Greystead, Parkers Farm Road, Orsett, Thurrock RM16 3HX

- 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 R Hunn against the decision of Thurrock Borough Council.
 - The application Ref is 23/00813/HHA.
 - The development proposed is a garage extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a garage extension at Greystead, Parkers Farm Road, Orsett, Thurrock RM16 3HX in accordance with the terms of the application, Ref 23/00813/HHA, 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 numbers 101 revision A, 102 revision A, 103 revision B, 104 revision B and 105 revision C.
 - 3) The external materials to be used in the construction of the extension hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework (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

3. 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.

4. The appeal site comprises a detached dwelling set back from Paddocks Farm Road. To one side of the dwelling are two detached outbuildings set away from the dwelling, including a double garage and a large pool and conservatory building housing a swimming pool (the pool building). The proposal is for a garage attached to the side of the pool building.
5. 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. The Framework defines "original building" as being a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
6. While the Framework does not provide a definition of 'disproportionate additions', Policy PMD6 of the Core Strategy and Policies for Management of Development Focussed Review 2015 (CS) states that in the case of residential extensions this means no larger than two reasonably sized rooms or any equivalent amount.
7. The policy does not provide a definition of what would comprise a residential extension. However, the Thurrock Design Guide Residential Alterations & Extensions Supplementary Planning Document 2017 (SPD) provides a definition of what would constitute 'two reasonably sized rooms'. The SPD states that this is calculated using the average internal floorspace of the habitable rooms in the original dwelling (excluding bathrooms and circulation areas) and multiply that figure by two. While it is evident how this could be applied in respect of an extension to a dwelling, it is difficult to judge an extension to an outbuilding on the basis of room sizes, particularly when the proposal is for a garage extension to an outbuilding.
8. The parties agree that the proposed extension would add a floor area of 60 square metres to the pool building, which would be less than that proposed within a previous appeal¹ at the site. The appellant states that the proposed extension would be less than 40% of the gross floor area of the pool building and this is not disputed by the Council. The extension would add to the volume of the building. However, given the size of the original building the modest increase in volume created by the proposal would not be so excessive as to overwhelm the original building. Accordingly, the development 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 accords with Policy PMD6 of the CS and the Framework, which seeks to protect the Green Belt from harm.

¹ APP/M1595/D/19/3234489

Other Matter

10. Permitted development rights to construct extensions and outbuildings without the need for express planning permission were removed by a condition imposed on the original planning permission for the current dwelling². A previous appeal³ partly reduced these restrictions, but retained the restrictions in respect of extensions and outbuildings in the interests of safeguarding the openness of the Green Belt. Nevertheless, this sought to control rather than prevent such development and does not imply that any such proposals are to be considered as inappropriate development.

Conditions

11. In addition to the standard time limit condition, I have imposed conditions requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.
12. I have also included a condition requiring the external materials to match those used in the construction of the existing building in the interests of preserving the character and appearance of the area.
13. The Council has suggested a condition requiring that the garage shall only be used for purposes ancillary and incidental to the enjoyment of the use of the main dwelling. Given that the garage extension would be within the curtilage of the dwelling, it would be unnecessary to include this condition as the use of the site for commercial purposes would require planning permission.

Conclusion

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

J Pearce

INSPECTOR

² THU/417/95

³ TAPP/G2245/A/96/272452/P5