



Appeal Decision

Site visit made on 12 November 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2024

Appeal Ref: APP/M1595/D/24/3341351

The Green, Rectory Road, West Tilbury, Essex RM18 8UD

- 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 Vinaykumar Patel against the decision of Thurrock Borough Council.
 - The application Ref is 23/00949/HHA.
 - The development proposed is the removal of the existing garage, small shed and the chimney, and erection of a single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development is located within the setting of a Grade II listed building, and within West Tilbury Conservation Area. Accordingly, I have had special regard to the requirements of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt and, if it would, the effect on openness;
 - whether the proposed development would preserve the setting of the Grade II listed building, Post House, and the extent to which the development would preserve or enhance the character or appearance of the West Tilbury Conservation Area;
 - the effect of the proposed development on the character and appearance of the surrounding area; 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 development.

Reasons

Whether inappropriate development and openness

4. National Green Belt policy in the National Planning Policy Framework (the Framework) sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved 'except in very special

circumstances.’ There are, however, certain exceptions. One of those, at paragraph 154, is the extension or alteration of a building, provided it does not result in disproportionate additions over and above the size of the original building. Policy PMD6 of the Thurrock Core Strategy and Policies for Management of Development (CS, 2015) conforms to the general thrust of national Green Belt policy.

5. The Framework does not provide a definition of ‘disproportionate addition’. Therefore, an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement. However, CS Policy PMD6 goes further, setting out that in the case of proportionality in residential extensions, this means no larger than two reasonably sized rooms or any equivalent amount. While this cannot be used as the only measure of disproportionality, in part because proportionality is inherently context specific, I consider that it can be used as an approximation for disproportionality.
6. The Council concludes that the proposed development would result in built form which would significantly exceed the two reasonable room ‘allowance’. In reviewing the layout and scale of the original property, I concur that the proposed extension would occupy a considerable proportion of the garden area behind the original house and would project beyond its side elevation. It would also exceed the size of the two existing, reasonably sized, ground floor rooms. This is irrespective of the Nationally Described Space Standard, referred to by the appellant. The extent of physical built development is a question of fact and the proposed development would increase the scale of the property to disproportionate levels, failing to meet the exception at paragraph 154.
7. The Framework indicates that openness is an essential characteristic of the Green Belt, and a fundamental aim of Green Belt policy is to keep land permanently open. The openness of the Green Belt has both a physical and visual dimension.
8. I saw during my site visit how intervening built form means there is fairly limited visibility of the site from the surrounding area, particularly from the west part of Rectory Road. The proposed development would be readily visible from the site entrance and from the east of Rectory Road, towards The Green. However, the proposed development would be positioned in the same location as established development at the site, including the site’s carport, outbuilding and hardstanding. Moreover, the proposed development would be set within the context of neighbouring extensions. Accordingly, there would be no harmful loss of openness in this instance. Nevertheless, the lack of harm in respect of openness does not overcome or outweigh the harm identified above in respect of proportionality.
9. Overall, I conclude that the proposed development is inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. Substantial weight should be given to this harm. The proposed development would be contrary to the relevant provisions of CS Policy PMD6 which, in summary, seeks to protect the Green Belt from inappropriate development, in line with the Framework.

Heritage assets – special interest and significance

Listed building

10. Post House is a Grade II listed building¹. It dates from the early 19th century. Most notably, it features an early 19th century shopfront and details. Later alterations are apparent, including the loss of historic windows to the upper floors.
11. Based on the evidence before me, the special interest and significance of Post House is largely derived from its historic and architectural interests. Important contributors in these regards are the use of traditional construction techniques and materials and surviving historic fabric. Despite later alterations, the building retains a prominent and pleasing architectural form.
12. The enclosed grounds of Post House have an historic, visual and functional connection with the main house. However, the street outside the listed building is where the building is best appreciated, seen in the context of the appeal site. This area forms the immediate setting of the listed building. This immediate setting contributes positively to the special interest and significance of the heritage asset.

Conservation area

13. The appeal property is located within the West Tilbury Conservation Area (the CA).
14. The special interest and significance of the CA is largely derived from the preservation of its historic village core, set within a wider rural setting. Consistent building materials of brick, hung tile and render dominate the village and CA, together with typically low-level boundary treatments of walls or fencing. The appeal property is positioned prominently on Rectory Road and visible across The Green. It forms part of a collection of relatively modest dwellings in the village centre, stepped down in height from the adjoining Post House. It positively contributes to the townscape and semi-rural character and appearance of the CA, and thereby to its significance as a designated heritage asset.

Heritage – appeal proposal and effects

Listed Building

15. The proposed extension would be highly visible from Rectory Road, viewed in the context of Post House. The scale, position and design of the extension, comprising a flat roofed structure projecting at an atypical angle from the appeal property, would be at odds with the prevailing character of the appeal site and surrounding area. This element of the proposal would harm the historic setting of Post House, diminishing the ability to appreciate its significance and weakening the contribution that the immediate setting makes to the significance of that heritage asset. The loss of the chimney, by reason of its position and limited scale, would not harm the ability to appreciate the significance of the listed building.

¹ List Entry Number: 1308454

16. Ultimately, the proposed development would fail to preserve the setting of the Grade II listed building, Post House. As such, it would harm the significance of this designated heritage asset.

Conservation area

17. The position, nature and extent of the development, in particular the extension, is such that it would be highly visible from the public realm within the CA, including from across The Green. In addition, the proposed development would be visible from nearby private vantage points. Unlike listed buildings, and Green Belt, the significance of a CA is dependent upon how it is experienced. The proposed extension would form a visually dominant and discordant feature in the CA, at odds with the prevailing layout of the appeal property. It would fail to preserve the character or appearance of the CA as a whole. Although the removal of the chimney would result in the loss of a feature common to historic properties and indeed those within the surrounding area, this aspect of the scheme, in isolation, would not be harmful.
18. Taking the above matters into consideration, the proposed development would diminish the positive qualities of the CA as a whole.

Conclusion

19. Overall, I conclude that the proposed development would fail to preserve the setting of the Grade II listed building, Post House, and fail to preserve or enhance the character or appearance of the CA. This is contrary to the requirements of sections 66(1) and 72(1) of the Act. Consequently, the proposed development would harm the significance of these designated heritage assets. This harm is of considerable importance and weight in the planning balance.

Heritage – public benefits and balance

20. The primary outcomes of the proposed development, namely the extension of the living accommodation at the appeal property, are private benefits to the appellant and future occupiers. The proposed development does not provide clear and convincing justification for the identified harm to the significance of the listed building and CA.
21. I acknowledge the economic benefits of the proposed development, through the purchase of materials and employment during implementation. However, those benefits would be minimal and would not be sufficient to outweigh the harm I have found.
22. Overall, the weight that I ascribe to the public benefits that accrue from the development is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found. Accordingly, the proposed development would fail to preserve the setting of the Grade II listed building, Post House, and fail to preserve or enhance the character or appearance of the CA. The proposed development is contrary to the requirements of sections 66(1) and 72(1) of the Act. The development also conflicts with the relevant provisions of CS Policies CSTP24 and PMD4 which, in summary, seek to protect heritage assets.

Character and appearance

23. I accept that there is variation in the scale, period and detailed design of properties within this part of West Tilbury. However, consistent features typically exist including the use of a modest palette of building materials.
24. As set out above, the proposed extension would be highly visible from Rectory Road. Whilst it would be constructed in materials which would largely match the host property, the flat roofed nature of the extension, its projection beyond the side elevation of the property and atypical design would form an incongruous addition to the property, at odds with the prevailing character of the area. This would be exacerbated by the inclusion of a prominent roof lantern and bi-folding doors.
25. Overall, I conclude that the proposed development would have a harmful effect on the character and appearance of the surrounding area, contrary to the relevant provisions of CS policies CSTP22, CSTP23 and PMD2. These policies, in summary, seek high design quality in development. This is in a similar vein to the provisions of the Residential Alterations and Extension Design Guide (2017).

Other considerations

26. The Framework is clear that substantial weight should be given to any harm to the Green Belt. '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 development, is clearly outweighed by other considerations.
27. The appellant sets out that the appearance of the extension would blend harmoniously with the appeal property. I also note that a carport and outbuilding would be removed as part of the proposed development. Nevertheless, I have found the overall size and dominance of the extension would cause harm to the character and appearance of the area and to the significance of designated heritage assets. Therefore, I afford this matter limited weight.
28. I also acknowledge the desire of the appellant to improve the accommodation at the property. However, it has not been demonstrated that the development before me is the only realistic solution and that other, less harmful, schemes could not deliver the same objectives. I therefore give this matter only limited weight.
29. My attention has been drawn to recently permitted works to the adjacent listed building. The appellant considers this to weigh in favour of their scheme. However, from the very limited information before me in respect of that neighbouring scheme, it would appear that this relates principally to repairs, not to the extension of the property. I afford this matter limited weight.
30. The lack of objection from third parties and others, noted by the appellant, would be neutral in my determination of this appeal. I give this consideration limited weight.
31. Substantial weight must be given to the harm to the Green Belt by reason of the inappropriateness of the development. I find that the other considerations in this case do not clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Green Belt Balance and Conclusion

32. The development is inappropriate development in the terms set out by the Framework. The Framework requires that substantial weight should be given to any harm to the Green Belt. Moreover, the development fails to preserve the setting of the listed building known as Post House and the character or appearance of the CA. The harm to the significance of those designated heritage assets is less than substantial, but still of considerable importance and weight. It is not outweighed by any public benefits.
33. Overall, the harm identified is not outweighed by the other considerations and therefore the very special circumstances necessary to justify the development do not exist. Consequently, I conclude that the appeal should be dismissed.

A Price

INSPECTOR