



Appeal Decision

Site visit made on 5 November 2024

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2024

Appeal Ref: APP/W1525/D/24/3342644

**1 Brookside Cottages, Main Road, Margaretting, Ingatestone, Essex
CM4 0EG**

- 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 Vincent Ebbrell against the decision of Chelmsford City Council.
 - The application Ref is 23/02027/FUL.
 - The development proposed is double storey side extension and single storey rear extension with part duo pitched roof and part flat roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area, I have had special regard to s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the appeal property and area, with particular regard to whether it would preserve or enhance the character of the Margaretting Conservation Area;
 - The effect of the proposal on the living conditions of the occupants of no 2 Brookside Cottages, with particular regard to sunlight, daylight, and outlook;
 - 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

4. The appeal site comprises a semi-detached dwelling and its garden. The site is within the Metropolitan Green Belt.

5. Policy S11 of the Chelmsford Local Plan 2020 (CLP) protects the openness and permanence of the Green Belt, supporting opportunities for its beneficial use where consistent with the purposes of the Green Belt.
6. At paragraph 142, the Framework attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. The Green Belt's purposes are described at Framework paragraph 143 and include keeping the unrestricted sprawl of large built-up areas in check, preventing merging of towns, safeguarding the countryside from encroachment, preserving the setting and special character of historic towns, and assisting in urban regeneration.
7. Paragraph 154 of the Framework regards the construction of new buildings as inappropriate in the Green Belt. CLP Policies S11 and DM6 indicate that inappropriate development will not be approved except in very special circumstances.
8. However, Policy DM6 identifies certain types of development that are exceptions to inappropriate development. This includes extensions or alterations to buildings that accord with Policy DM11.
9. Policy DM11 requires proposals satisfy two tests. First, that the extension or alteration would not result in disproportionate additions over and above the size and scale of the original building¹; and second, that the extension or alteration would not be out of keeping with its context and surroundings or result in any other harm².
10. The supporting text to Policy DM11 regards the 'original building' as that built as of 1 April 1974. The appeal property dates from the early 20th century, and a small front porch extension appears to have been added following grant of planning permission in the late 1980s. The original building, excluding the porch addition, is estimated to have an internal floorspace of 88sqm.
11. There is disagreement between the parties regarding the scale of the proposal. Together with the existing porch extension, the Council estimate the proposal would result in a 79% increase in floorspace relative to the original building, whereas the appellant estimates a 72% floorspace increase.
12. Neither the CLP nor the Framework define a percentage threshold for determining whether an extension is 'disproportionate', and therefore this test is a matter of planning judgement.
13. Whilst set back from the porch and front gable, the proposed two-storey extension would extend the full depth of the main part of the dwelling, and the single storey rear extension would span the full width of both the existing rear elevation and the two-storey addition. To accommodate the additional floorspace, the proposal would significantly alter the form of the existing dwelling and would substantially increase its mass and volume. Even if I were to accept the appellant's estimate of a 72% increase in floorspace, the proposal would not be modest in scale but would be disproportionate to the original building.

¹ CLP Policy DM11(A)(i)

² CLP Policy DM11(A)(ii)

14. The appellant refers to planning permissions granted for extensions to dwellings in the local area. The Council's assessment of a scheme for an extension at Paddocks, Main Road³ concluded the size, scale and form of the proposal would not be a disproportionate addition. Providing a 37% floorspace increase, the Paddocks scheme represents a more modest increase in built form relative to the original building than the appeal proposal. The Council's assessment of a scheme of extensions and alterations to Ponders, Main Road⁴ identifies the site as within the Defined Settled Boundary and outside the Green Belt boundary. The circumstances of the Paddocks and Ponders schemes are materially different to the appeal proposal and do not justify an extension of the scale proposed.
15. The proposal would result in disproportionate additions over and above the size of the original building and therefore would fail to comply with criteria (A)(i) of Policy DM11. The requirements of DM11(A)(ii) are relevant to matters of character and appearance, which I have considered in my reasoning below.
16. Nonetheless, by virtue of its conflict with Policy DM11(A)(i) the proposal would be inappropriate development that is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Green Belt openness

17. Paragraph 142 of the Framework recognises openness as one of the essential characteristics of the Green Belt. Openness has spatial and visual aspects.
18. As discussed above, the proposal would significantly increase the dwelling's built form, occupying space which is presently garden land. The appeal property faces Main Road, set back from the street behind a front garden and driveway which are enclosed by a low brick wall and gate. The two-storey side extension would be visible within the street scene to passing road users and pedestrians. The proposed development would therefore have an adverse impact on Green Belt openness through visual intrusion and through spatial impacts commensurate with the scale of the proposed development.
19. The appellant asserts the proposal would not conflict with the aims of Green Belt policy and would not materially detract from its openness, and due to the overall prominence and impact of the development, would amount to only a very minor and limited harm to the openness of the Green Belt. Since the proposal relates to the extension of a single dwelling only, the effect on the openness of the wider Green Belt would be small. Nonetheless, paragraph 153 of the Framework requires substantial weight be given to any harm to the Green Belt.

Character and appearance

20. The appeal property is situated at the southern side of Main Road, at the end of a row of properties of similar age and appearance. The Grade II listed Red Lion Public House is broadly opposite, and to the east and south is open countryside. The site is within Margaretting Conservation Area (CA).
21. The CA encompasses the area north and south of Main Road, which includes dwellings, occasional commercial uses, and a large area of parkland. The CA

³ LPA ref: 21/02518/FUL

⁴ LPA ref: 21/01669/FUL

includes period properties of a mix of ages and styles and is green and rural in character. Its significance is derived from the historic and architectural interest of its buildings, and its organic, spacious settlement pattern.

22. The appeal property comprises part of a group of three, two-storey semi-detached pairs which have an Arts and Crafts character. The dwelling pairs have a prominent, steep-pitched front gable, a plain-tiled hipped roof, rendered walls, a tall chimney at the centre of the roof ridge, with a high degree of symmetry.
23. Dwellings within the group have been altered over time. However, the group of dwelling pairs have broadly retained their simple form and uniform appearance which contributes positively to the CA's character.
24. Whilst set back from the projecting front gable and porch, the proposed two-storey side extension would be level with the front wall of the main part of the dwelling and would be constructed of matching materials. The proposed roof would be flush with the existing eaves and roof plane. As a result of this arrangement, the side extension would fail to achieve a subservient appearance, instead appearing as a continuation of the main part of the dwelling. The side extension would therefore have a poor relationship to the host property.
25. The side extension would have a flat top roof, set down from the main roof ridge and would include two front roof dormers serving the new bathroom and stairwell. This would not complement the roof design, but rather would disrupt the simple roof form of the dwelling.
26. The proposed side extension would add considerable bulk and mass to the dwelling and significantly increase the width of the dwelling's front elevation which, along with the complex roof form and projecting dormers, would severely disrupt the symmetrical form of the pair of semi-detached dwellings. This loss of symmetry would erode the uniform appearance of the dwelling group, thus harming the character of both the appeal property and the area.
27. The side extension and dormers would be clearly visible from the front, such as to road users travelling along Main Road and pedestrians accessing the village centre or nearby public right of way. The proposal would therefore be visually prominent and would be detrimental to the appearance of the CA, as experienced from public vantage points.
28. The appellant refers to other proposals for extensions to dwellings within the CA. The Council's assessment of conversion and extension works at Rymers, Wantz Road⁵ concluded the dormers would be minor features in the roof space and its two storey front extension would bring symmetry to the front elevation creating visual cohesion. The Council's consideration of a single storey rear extension and two storey side extension at Whitewebs Cottage, Main Road⁶ concluded the proposed extensions would be modest in size and would appear well related to the house. As discussed above, the appeal proposal would disrupt symmetry and add significant bulk and mass, and therefore the proposal's effects on the CA would differ significantly from the other examples.

⁵ LPA ref: 23/01284/FUL

⁶ LPA ref: 17/00262/FUL

29. The appellant also refers to a scheme for two storey and single storey rear extensions at The Old Bakery, Main Road⁷. Details of the Council's assessment have not been provided. However, the proposals are at the rear of the dwelling, and therefore would be of lesser prominence in the street scene than the appeal proposal.
30. Given the above, I find the proposal would fail to preserve the significance of the CA. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
31. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Since the proposal relates to the alteration of a dwelling which contributes positively to the character of the CA, I find the harm to be less than substantial in this instance, but nevertheless of considerable importance.
32. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal. I have discussed the benefits of the proposal as other considerations, below. In summary, these include improving the quality of the accommodation provided by the dwelling, reducing carbon emissions, and economic benefits associated with construction jobs. However, the public benefit arising from the scheme would be small and would attract only modest weight. The scale of public benefits would not be sufficient to outweigh the harm to the CA, to which I afford great weight.
33. In the absence of significant public benefit, I conclude that, on balance, the proposal would fail to preserve the character or appearance of the CA. This would fail to satisfy the requirements of the Act.
34. The proposal would therefore conflict with CLP Policy S3 which seeks to conserve and enhance the historic environment, recognises the positive contribution it makes to the character and distinctiveness of the area, and places great weight on the preservation or enhancement of designated heritage assets. In addition, the proposal would conflict with CLP Policy DM13 which requires the siting, design and scale of development preserve or enhance the character or appearance of the area and would not accord with Policy DM23 which requires the design of extensions be compatible with the character and appearance of the area.

Living conditions

35. A timber fence along the shared boundary provides separation between the rear gardens of the appeal property and attached dwelling no 2 Brookside Cottages. No 2's rear elevation includes glazed double-doors serving a dining room next to the shared boundary, and a single-storey rear projection.
36. The side elevation of the proposed single-storey rear extension would be sited on the shared boundary. No 2's existing glazed dining room doors would sit between the existing rear projection and the proposed extension.

⁷ LPA ref: 21/01085/FUL

37. The proposed extension would have a depth of 3.3m, and at 3.46m tall, the flank wall would significantly exceed the height of the existing boundary fence. The proposal would alter the relationship between the glazed doors and built form and create a significant sense of enclosure from no 2's dining room.
38. The rear extension's flank wall would have a blank, rendered exterior and would include a parapet. From no 2's dining room, the rear extension would be visually dominant and would appear imposing.
39. The rear elevations of the appeal property and no 2 face broadly southeast. The enclosure of no 2's glazed doors by the proposed extension would result in a loss of daylight and would reduce periods of direct sunlight.
40. Due to its height and siting on the boundary the extension would have a harmful enclosing effect on outlook from no 2 and would result in a loss of daylight and sunlight, thereby harming the living conditions of the occupants of no 2 Brookside Cottages.
41. For these reasons, the proposal would conflict with CLP Policy DM29 which requires development safeguard the living environment of the occupiers of any nearby residential property by ensuring that the development is not overbearing and does not result in unacceptable overshadowing.

Other considerations

42. The proposed development would improve the quality of the residential accommodation offered by the dwelling. Therefore, the proposal would enhance the area's housing stock.
43. The building's thermal efficiency would be increased, and the development would incorporate renewable energy technologies and EV charging. The proposal would assist in reducing carbon emissions.
44. In addition, there would be economic benefits through creation of employment during construction.

Whether very special circumstances exist

45. As set out above, the proposal would be inappropriate development in the Green Belt and would harm openness. At paragraph 153, the Framework requires substantial weight be given to any harm to the Green Belt.
46. In addition, I have found the proposal would harm the character and appearance of the appeal property and area, including failure to preserve or enhance the character of the CA, and would harm the living conditions of the occupants of no 2 Brookside Cottages. The proposal conflicts with the development plan for these reasons, and such harms weigh significantly against the proposal.
47. Paragraph 152 of the Framework states inappropriate development should not be approved except in very special circumstances. Paragraph 153 indicates that very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
48. As discussed above, the proposal would improve the quality of accommodation, reduce carbon emissions, and generate employment during

the construction phase. Since the proposal relates to a single dwelling, the scale of benefits offered by the scheme would be small. Therefore, these other considerations carry only modest weight in the scheme's favour.

49. I find that the other considerations in this case do not clearly outweigh the harms that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
50. The proposal would therefore conflict with CLP Policies S11 and DM6, which together protect the Green Belt from inappropriate development.

Other Matters

51. The Red Lion Public House is a Grade II listed building and is located on the opposite side of Main Road. Section 66(1) of the Act requires I have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
52. The Red Lion was constructed with a timber frame in the mid-late 17th century and refaced in Flemish bond brick in the late 18th century. A lean-to to rear and extension to left was added in the mid-19th century, and there is a 17th century cross wing to the left side with a gabled front. The two-storey building has sash windows, a gabled plain tile roof, and brick ridge and right end chimney stacks. The mid-19th century beaded six-panelled door is within a late 19th century porch to the building's front. The building's significance is therefore derived from its historic and architectural interest.
53. The Red Lion is set back from the carriageway by a layby with bus stop. The row of Brookside Cottages is set back from the carriageway by a layby used for parking and as a bus stop, and by a pedestrian footway, boundary treatments, and spacious front gardens. These prominent features in the streetscape provide physical and visual separation between the Red Lion and Brookside Cottages. The appeal property is at the eastern end of dwelling row, adding further distance from the Red Lion. Due to the extent of separation, the proposal would have a neutral effect upon the listed building and its setting, and its features of special architectural or historic interest would be retained.

Conclusion

54. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal should be dismissed.

E Dade

INSPECTOR