



Appeal Decision

Site visit made on 13 January 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th January 2025

Appeal Ref: APP/B1550/D/24/3346074

The Woodnut, Rayleigh Downs Road, Rayleigh, Essex SS6 7LR

- 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 Sydes against the decision of Rochford District Council.
 - The application Ref is 24/00080/FUL.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at The Woodnut, Rayleigh Downs Road, Rayleigh, Essex SS6 7LR in accordance with the terms of the application, Ref 24/00080/FUL, 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 Location Plan dated 31-Jan-2024, 2023/09/TW Sheet 01 of 09, Block Plan reference 2023/09/TW Sheet 03 of 09, 2023/09/TW Sheet 05 of 09, 2023/09/TW Sheet 06 of 09, 2023/09/TW Sheet 07 of 09, 2023/09/TW Sheet 09 of 09.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and is a material consideration in planning decisions. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. As a result, I consider that there is no requirement for me to seek further submissions in respect of these matters, and I am satisfied that no party's interests would be prejudiced by taking this approach.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and 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

4. 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.
5. The appeal site comprises a single-storey dwelling with a detached garage to the side. The dwelling has two projecting gable features at either end of the rear elevation. The proposal is for a single-storey extension to the rear of the dwelling. The development would extend across the rear of the dwelling, including between the rear facing gables.
6. 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 parties agree that the dwelling has not been extended since its construction.
7. Policy DM17 of the Local Development Framework Development Management Plan 2014 (DMP) states, amongst other things, that applications for extensions to dwellings will be considered favourably provided that the proposal would result in no more than a 25% increase in internal floorspace of the original dwelling. The Council states that the proposal would result in an increase in internal floorspace of 32.89%, in excess of the figure set out in Policy DM17.
8. Nevertheless, Policy DM17 does not explicitly preclude development that would increase in internal floorspace by more 25%, stating that extensions that would be no more than the threshold would be considered favourably. Although the figure is a useful guideline, the Framework does not provide a definition of 'disproportionate additions' and 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.
9. The proposed extension would not increase the overall height of the dwelling and would be subservient in both scale and form and would not overwhelm the original building. In addition, the extension would be in a discreet position to the rear of the dwelling and, with the use of matching materials, would not have a negative impact on the character and appearance of the Green Belt. Consequently, the proposal would accord with points (i) and (ii) of Policy DM17 of the DMP and would not result in disproportionate additions over and above the size of the original building.
10. 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 development is 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 DM17 of the DMP as set out above and the Framework, which seeks to protect the Green Belt from harm.

Other Matter

11. The Council has referred to appeal decisions within the Delegated Report. While Inspectors have assessed these other cases against Policy DM17 of the DMP, I have not been provided with sufficient details to make a suitable comparison with the appeal scheme before me. In any event, each proposal should be considered on their individual merits and with appropriate regard to the development plan and any material considerations.

Conditions

12. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.
13. In order to protect the character and appearance of the area, I have also imposed conditions requiring the external materials used in the construction of the extension to match those of the existing dwelling.

Conclusion

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

J Pearce

INSPECTOR