



Appeal Decision

Site visit made on 13 January 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2025

Appeal Ref: APP/B1550/D/24/3345480 75 High Road, Hockley, Essex SS5 4SZ

- 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. Biscoe against the decision of Rochford District Council.
 - The application Ref is 24/00037/FUL.
 - The development proposed is a single storey and part first floor front extension with pitched roof over.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey and part first floor front extension with pitched roof over at 75 High Road, Hockley, Essex SS5 4SZ in accordance with the terms of the application, Ref 24/00037/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: 01 Revision F, 02 Revision F, 06 Revision F, 07 Revision F, 08 Revision F, and 09 Revision F.

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

Whether the proposal is inappropriate development

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 detached two-storey dwelling. The site is within a row of primarily detached dwellings set back from High Road, on the edge of the settlement of Hockley. The proposal is for a single-storey extension to the front and side of the dwelling and a dormer window within the front roof slope.
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.
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 dwelling has previously been extended to the rear, and there is no dispute that the proposal would result in a cumulative 31.94% increase in internal floorspace of the original dwelling, 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 proposal would enlarge the front of the dwelling at ground floor level. While the roof would project forwards of the front elevation, the main part of the extension would be set back from the forwardmost part of the dwelling and would maintain its dominance. In addition, the first floor extension would be a sympathetic addition to the dwelling that would reflect the design of the existing gable, whilst remaining subservient in scale. Given the limited scale of the proposal, the development would not overwhelm the original building and the use of matching materials would allow the alterations to blend with the existing building. 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 would accord 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. I have not included the Council's suggested condition in respect of the external materials to be used as these details are provided on the approved plans.

Conclusion

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

J Pearce

INSPECTOR