



Appeal Decision

Site visit made on 18 December 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2025

Appeal Ref: APP/B1550/D/24/3347522

Doric Lodge, Lincoln Road, Rochford, Essex SS4 3AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Thomson Snell & Passmore Trust Corporation Ltd. against the decision of Rochford District Council.
 - The application reference is 24/00110/FUL.
 - The development is a proposed two storey front extension to provide first floor accessible shower room, alterations to existing single storey side extension and general refurbishment of the existing dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for a proposed two storey front extension to provide first floor accessible shower room, alterations to existing single storey side extension and general refurbishment of the existing dwelling at Doric Lodge, Lincoln Road, Rochford, Essex SS4 3AF in accordance with the terms of the application reference 24/00110/FUL subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL 001, PL 002, PL 003, PL 004, PL 005, PL 006 (side elevation), PL 006 (site plan and location plan).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are:

- whether the proposal constitutes inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - if the development does represent inappropriate development, the effect of the proposal on the openness of the Green Belt; and
 - if the development does amount to inappropriate development in the Green Belt, whether the 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

3. The appeal site comprises a two-storey, detached house with off-street parking on the driveway to the front. It is set in wider countryside of fields and woodland between the settlements of Rochford and Hockley.
4. The Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. This is subject to certain exceptions, which include at paragraph 154 (c) '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.'
5. The Framework does not define what constitutes a disproportionate addition. Policy DM17 of the Rochford District Council Development Management Plan December 2014 (DMP) states that applications for extensions to dwellings in the Green Belt 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 Framework defines the date of an 'original building' as 1 July 1948, or as originally built if constructed after that date. Consequently, extensions that have occurred since this time are relevant to this appeal.
6. The Council puts forward a figure of some 51.3% uplift for the cumulative internal floorspace increase of previous works to the original home when one adds the appeal scheme. This figure has been disputed by the appellant having regard to a two-storey extension that was added to the property following approval of a scheme in 1987, and the extra floorspace created by the new extension. I have sought further clarification from the parties in this respect; although a precise calculation has not been agreed the Council has indicated the extent of the original dwelling on the existing floor plans.
7. It is clear that the ground floor of the property has doubled in size and the first floor increased by approximately a third. Even allowing for the fact that one could measure volume or use other comparisons, given the degree of change over and above the original home, I find it impossible to reach a view other than there would be a failure of the 'disproportionate additions' test.
8. Judging the scheme in accordance with Policy DM17, I consider that the proposed extension, together with the previous additions to the dwelling, would amount to a disproportionate addition over and above the size of the original building. This would represent inappropriate development within the Green Belt and would not benefit from the exception in paragraph 154 (c) of the Framework. Consequently, there would be conflict with Policy DM17 of the DMP.

Openness

9. The Framework makes it clear that an essential characteristic of Green Belts is their openness. As a disproportionate extension of the building, the proposal would inevitably result in some loss of openness. Nevertheless, spatially the extension would be broadly confined to the existing footprint of the building, and the maximum height of the house would not change as a result of the scheme. Most of the scale of the addition would be positioned tight against the property, and thus would not significantly encroach beyond the developed core.
10. Visually, the new two-storey gable would be almost identical to that which is

already present on the front elevation. To my mind, the resulting uniformity would form a sense of balance and reduce the perception of bulk and massing, such that the erosion of openness would not be noteworthy. Overall, I find the scheme would have a very limited effect on the openness of the Green Belt.

Other Matters

11. I have had due regard to the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty under the Equality Act 2010. Article 8 of the HRA requires that decisions ensure respect for private and family life and the home. In reaching my decision, I have kept these interests at the forefront of my mind. However, these are qualified rights and interference may be justified where in the public interest. The concept of proportionality is key.
12. I understand that the dwelling is held in trust for a child with serious health issues who requires intensive care and supervision. I have considered the evidence around the need for the additional shower room, and a lift to provide immediate access to the existing adjoining bedroom. The appellant submits that the proposal is required to make Doric Lodge more accessible to the child, whilst also ensuring the accommodation is suitable for their needs.
13. I accept that the proposal would enable the child to remain in the home and benefit from the essential care provided, and I attach substantial weight in favour of the appeal scheme to the matters raised.

Conditions

14. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, the approved plans are listed for certainty. A condition requiring external materials to match those on the existing dwelling would provide for a satisfactory appearance.

Conclusion

15. The proposal would be inappropriate development, which by definition is harmful to the Green Belt and should not be approved except in very special circumstances. There would be only a minimal impact upon openness. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
16. I consider that the other considerations do clearly outweigh the harm, and the very special circumstances necessary to justify the development do exist. I conclude that the proposal would accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this.
17. Having regard to the above and all other matters, the appeal is successful.

C Hall

INSPECTOR