



Appeal Decision

Site visit made on 8 April 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2025

Appeal Ref: APP/B5480/D/24/3351898

65 Shepherds Hill, Harold Wood, Essex RM3 0NP

- 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 Vavasseur against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0859.24.
 - The development proposed is a two storey side and rear extension and a single storey rear extension and front pitched canopy roof following demolition of existing garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development has been taken from the decision notice and appeal form which more accurately describes the development.
3. Since the determination of the original application a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Parties have been given the opportunity to comment and I have had regard to any comments in my decision.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework),
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the street scene and host dwelling;
 - the effect of the proposed development on the living conditions of neighbouring occupiers at No 63 Shepherds Hill, with particular regard to outlook; and,
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

5. The appeal site is located within the Metropolitan Green Belt. Paragraph 154 of The Framework outlines that development in the Green Belt, other than in specific exceptions, should be regarded as inappropriate. One such exception to this, set out at Paragraph 154c), is for the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. In this context, the original building means the dwelling as originally built or as the building existed on 1 July 1948 (whichever is the later).
6. Policy G2 of the London Plan (2021) confirms that the Green Belt should be protected from inappropriate development except where very special circumstances exist, consistent with the Framework.
7. Neither the Framework, the London Plan (2021) or the Havering Local Plan (2021) defines what a disproportionate addition would be, but the overall size of the building (in terms of footprint, floorspace or volume) are clearly important factors.
8. The proposal would introduce a single-storey extension extending approximately 5.2 metres from the rear of the property and extending across the full width of the rear of the existing property and double garage. The two-storey side extension would be approximately 3.7 metres in width and approximately 10.9 metres long. The proposal would increase the size of the dwelling by approximately 65%. This in my view, would represent a significant increase in built form, including mass and volume. It is clear therefore that the proposal would represent a disproportionate addition over and above the size of the original building and thus does not fall within the above exception.
9. The Framework has introduced the concept of Grey Belt land. This is land that does not strongly contribute to the Green Belt purposes (a), (b) or (d) in paragraph 143 of the Framework. The appellant asserts that the land is Grey Belt. However, even if I were to agree that it meets the definition of Grey Belt land, in order for the development of homes and other development to not be regarded as inappropriate, paragraph 155 of the Framework sets out that all parts of the paragraph need to apply. Criterion b) requires that there is a demonstrable unmet need for the type of development proposed. Little substantive evidence has been put forward that there is a demonstrable unmet need for the development proposed. Accordingly, given that all the relevant criteria of paragraph 155 has not been met, the proposal does not accord with this exception.
10. Drawing the above points together, I find that the proposal would be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt, conflicting with the Green Belt protection aims of the Framework and Policy G2 of the London Plan (2021).

Effect on openness

11. Section 13 of the Framework makes it clear that an essential characteristic of Green Belts are their openness and permanence. Openness has both a spatial and visual aspect.

12. As already set out, the extensions would significantly increase the size of the dwelling and as such it would undoubtedly have a spatial impact on openness, establishing development where there was previously none.
13. Visually, the ground floor of the side extension would largely occupy space where the existing double garage is sited. However, the existing garage has a flat roof. The first floor of the proposed side extension would visually erode the openness that currently exists here. However, this would only be particularly noticeable when stood directly in front of the appeal property. Given that the adjacent property at No 63 is sited forward of the appeal property, visually, the effect of the first floor extension on Green Belt openness would be limited on approach to the property from the south.
14. Overall, when the visual and spatial effects of the extensions are taken together, there would be a modest harmful effect on the openness of the Green Belt. In that regard, the extensions would not preserve the openness of the Green Belt, in conflict with the Framework.

Character and appearance

15. Shepherds Hill comprises a wide variety of houses and bungalows, differing in height, scale, design, materials and roof types. The properties on the northern side of Shepherds Hill are set back from the road and have a staggered building line, with No 65 set back behind the neighbouring property No 63.
16. The two-storey side extension would largely occupy the footprint of the existing double garage. The roof would be set down from the host property, it would utilise matching materials and fenestration. From the street scene, the proposed crown roof would have the appearance of a pitched roof, respecting the angles of the roof on the host property. Moreover, given the forward position of the neighbouring property, the crown element would not be readily apparent. For the same reason, whilst the resultant size of the appeal property would be large, the depth of the two-storey side extension would not be readily visible from the public domain. Therefore, the development would not appear as an overly dominant addition from the public realm and would appear to integrate well with the host property. I am thus not persuaded that there would be harm to the character and appearance of the host property or street scene.
17. Overall and notwithstanding my findings on the first main issue, I am satisfied that the proposal would not harm the character and appearance of the host property and street scene. As such, on this main issue I find no conflict with Policy 7 and Policy 26 of the Havering Local Plan (2021). These collectively seek to ensure that development respects the local context and character, creating places and development that respects, reinforces and complements the streetscene.

Living conditions

18. No 63 is set significantly forward of the appeal property. At the side of No 63, in line with its rear elevation is a detached single storey outbuilding with a pitched roof, adjacent to the shared boundary with No 65.
19. The existing single-storey outbuilding at No 63 would already be dominant in views from the rear of No 63 and would limit views of the existing double garage at the appeal property from the ground floor and outside space of No 63. However, the

proposed two-storey side extension at No 65 would be significantly taller than the single storey outbuilding at No 63. The combination of the increased mass of the proposal over that of the existing double garage, its approximate 10 metre length and the location of the proposed two storey extension, in close proximity to the shared boundary with No 63 would appear as an overly prominent addition when seen from the rear garden and windows on the rear elevation of No 63.

20. Whilst the occupiers of No 63 would retain an outlook over their own rear garden, the proposed development would nevertheless, for the aforementioned reasons, have an overbearing effect and have an adverse impact on the outlook from the rear windows and garden of No 63. The lack of windows on the side elevation of the proposed two-storey extension facing No 63 does not alter my conclusions.
21. Given the flat roof design and height of the proposed single-storey rear extension, this element of the proposal would not have an adverse impact on neighbouring living conditions.
22. I note that no objections were received from the occupiers of No 63. The Framework explains that development should have a high standard of amenity for future as well as existing users. The absence of an objection does not in itself render the scheme acceptable or equate to a lack of harm.
23. In conclusion, the proposed development, specifically the two-storey side extension, would have an adverse impact on the living conditions of the neighbouring occupiers at No 63 with regard to outlook. On this main issue, the development would therefore conflict with Policy 7 of the Havering Local Plan (2021) which aims to protect the amenity of existing residents by ensuring, amongst other matters, development does not result in unacceptable outlook.

Other considerations

24. I note the need for additional accommodation for the appellants' growing family, the ability to work from home and that the location allows the appellants to remain close to friends and family in an accessible location. However, these are a personal benefit. I am mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be relevant. For these reasons, I find that the appellants particular circumstances is not a factor sufficient to outweigh the identified harm.
25. I acknowledge that the existing property is in need of repair, however this does not justify enlarging the property in a manner which I have found would cause harm.
26. I have found the proposal would not harm the character and appearance of the street scene or host dwelling. However, a lack of harm is a neutral consideration and also is a separate issue to an assessment of the effect of the proposal on the Green Belt.
27. There would be no adverse impacts of the proposal on the living conditions of No 67, nor any issues of overlooking or loss of light to either No 63 or No 67. However, an absence of harm in this regard weighs neither for nor against the proposal.

28. In support of the appeal, the appellant has referred to a two-storey side extension at 1 Phillida Road. I have very limited information on this and therefore cannot be sure of the reasons which led to its approval. This therefore carries limited weight.
29. The appellant has referred to No 67 and No 118 Shepherds Hill, both in the Green Belt, where extensions of 58% and 85% respectively were not deemed disproportionate additions and were approved by the Council. Those applications were determined under a previous local plan where Policy DC45 allowed for extensions of up to 50%. The appellant asserts that a precedent has been set and that the Council has applied flexibility when applying that particular policy.
30. Whilst I am mindful of this, Policy DC45 is no longer part of the development plan and so it carries no weight. From the very limited information provided, no harm to openness was found in either case and the relationship of those proposals to neighbouring properties also appears to differ from this case. As such, these examples do not appear to be directly comparable and they do not alter my findings. In any case, I have determined the appeal on its own merits.
31. Considered individually and cumulatively, these other considerations carry no more than moderate weight in favour of the appeal.

Other Matters

32. I note requests were made to the Council for meetings and that there were communication and correspondence issues with the Council both pre and post determination. However, these matters do not alter my findings in which I have had regard solely to the planning merits of the proposal.
33. I acknowledge modifications have been made to the design of the proposal following pre-application advice. However, I have found the appeal proposal would result in harm for reasons I have already outlined, as such it does not alter my findings on the main issue.

Green Belt balance

34. The proposed extensions to the dwelling constitute inappropriate development in the Green Belt. I have also found that the extensions would result in a modest harmful effect on the openness of the Green Belt. In line with the Framework, I attach substantial weight to this harm. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This is a high hurdle for a development proposal to overcome.
35. I have found that the other considerations in this case attract moderate weight. In conclusion, and on balance, the substantial weight to be given to Green Belt harm, is not clearly outweighed by the other considerations that have been put forward and therefore the very special circumstances needed to justify the extensions to the main dwelling do not exist.

Conclusion

36. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

T Bennett

INSPECTOR