

APPEAL BULLETIN FOR FEBRUARY 2008



Appeal Ref APP/B1550/A/07/2056602
Application No 07/00119/FUL
Appellant Mr & Mrs Vasile
Location 43 Shoebury Road, Great Wakering, Essex SS3 0BW
Decision Dismissed (19.02.08)

The Inspector dismissed the development proposed of 'proposed alterations to front, rear and side elevations, internal alterations to ground and first floor'. The Inspector took into consideration Planning Policy Guidance Note 2: Green Belts (PPG2) and the Rochford District Replacement Local Plan (Policy R1 and R5).

The appeal property is a semi-detached house and the last dwelling on the eastern side of Shoebury Road located within the residential envelope of Great Wakering. The proposed alterations comprise a two-storey side extension with single storey elements to the front and rear. The Rochford District Local Plan shows the boundary of the Metropolitan Green Belt coincident with the southern flank wall of the property. The Council stated that this is the southern wall of the original house. The Inspector therefore concluded that the proposed extension would lie within the Green Belt.

PPG2 states that construction of new buildings inside a Green Belt is inappropriate unless it is for a purpose included in paragraph 3.4 of the note. One of these purposes is the limited extension of an existing dwelling subject to the extension not resulting in disproportionate additions over and above the original building. Policies R1 and R5 of the Local Plan are in line with national policy and amplify it by stating that, other than in very special circumstances, extensions to dwellings in the Green Belt are limited to those increasing the original habitable floor space by no more than 35 sq m. The appellants contended that the appeal site should not be considered as being subject to the restrictive policy relating to extensions which apply to properties wholly within the Green Belt. However, the proposal would increase the floor space within the Green Belt by some 95 sq m, and would thus be inappropriate development.

Inappropriate development is, by definition, harmful to the Green Belt. In addition to the harm arising from inappropriateness, the increased bulk of the dwelling would reduce the openness of the Green Belt by occupying an area previously undeveloped. This would be additional harm to the Green Belt since, as stated in PPG2, the most important attribute of Green Belts is their openness.

The Inspector felt the proposed development would not be harmful to the character of the surrounding countryside and agreed with the appellants that the proposed development would be in scale and character with the existing dwelling and its setting; would not be visually intrusive or harm the living conditions of neighbours; and would not increase traffic.

The Inspector considered the above points and all other issues raised, including letters of support from neighbours, but found there were no considerations sufficient either individually or cumulatively to clearly outweigh the harm the proposal would cause by reason of inappropriateness and loss of openness of the Green Belt. No very special circumstances exist to justify the proposed development and therefore dismissed the appeal.

Appeal Ref APP/B1550/A/07/2055330
Application No 07/00299/OUT
Appellant Mr J McGirr
Location Rear of 2 Southview Road, Hockley, Essex SS5 5DX
Decision Dismissed (28.02.08)

The Inspector dismissed the appeal for the proposed development of a new bungalow. The Inspector took into consideration the Rochford District Replacement Local Plan (Policy HP6) and Planning Policy Statement 3: Housing.

The site is within a residential area comprised of regularly spaced semi-detached houses and bungalows. The dwellings are set well back from the road frontages creating a spacious character. The appeal site is the rear garden of a bungalow standing on a corner plot.

The proposed bungalow would be set close to the southern and eastern site boundaries and sited about 2-3m back from the footway which is significantly less than the norm in this locality. The front of the proposed bungalow would be in line with the flank wall of the existing dwelling, due to the angle of the road the existing flank wall has a more generous spacing to the side boundary. The Inspector considered that the proposed bungalow would appear unduly cramped and out of keeping with the pattern of development in the area. This effect would be compounded by the lack of space retained to the rear of the existing bungalow, where the new garden boundary would run very close to the dwelling.

The appellant argued that the site is occupied by a garage and that the scheme would result in the removal of an unattractive close-board fence. The Inspector accepted that these features are not particularly attractive but their removal would be only a minor benefit which would not justify development that would itself be harmful.

The Inspector concluded that the proposal would be harmful to the character and appearance of the area. It would be contrary to Policy HP6 which requires new housing to be of a high standard of layout and design having regard, amongst other matters, to its relationship to nearby buildings.

The proposal would make more efficient use of previously developed land, within an established residential area, which would accord with one of the general objectives of the Local Plan and Planning Policy Statement 3. However, this benefit does not outweigh the harm identified. Local residents expressed concerns about traffic and parking, loss of privacy and overshadowing. The scheme makes provision for off-street parking in accordance with the Council's requirements and there has been no technical objection on highway safety grounds. One proposed window would be close to an adjoining garden but this could be obscure-glazed and the matter could be covered by a condition. The Inspector felt this would not result in a significant degree of overshadowing of the adjoining property, however, these conclusions did not alter the view he reached on the main issue in the case and dismissed the appeal.