

**APPENDIX 1**

<p><b>Reference:</b> 18/00988/HHA</p>	<p><b>Site:</b> Farmhouse Manor House Farm Brentwood Road Bulphan Essex RM14 3TJ</p>
<p><b>Ward:</b> Orsett</p>	<p><b>Proposal:</b> Two storey front extension, single storey side extensions, alterations to roof, basement &amp; single storey garage block with associated hardstanding following the demolition of existing side extension and outbuilding.</p>

<b>Plan Number(s):</b>		
Reference	Name	Received
1499 - 01	Location Plan	11th July 2018
1499 - 02	Existing Plans	11th July 2018
1499 - 03	Elevations	11th July 2018
1499 - 04	Elevations	11th July 2018
1499 - 05	Proposed Site Layout	11th July 2018
1499 - 06	Proposed Floor Plans	11th July 2018
1499 - 07	Proposed Floor Plans	11th July 2018
1499 - 08	Proposed Elevations	11th July 2018
1499 - 09	Parking Block Plan	11th July 2018
1499 - 10	Sections	11th July 2018
1499 - 11	Other	11th July 2018
1499 - 12	Other	11th July 2018

<p>The application is also accompanied by: - Planning Statement</p>	
<p><b>Applicant:</b> Mr M Norcross</p>	<p><b>Validated:</b> 11 July 2018 <b>Date of expiry:</b> 17 September 2018 (Extension of time agreed with applicant)</p>
<p><b>Recommendation:</b> Refuse</p>	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs G Rice, S Shinnick, L Worrall, C Baldwin and B Rice (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1

(d) (ii)) to assess the impact of the proposal in terms of Green Belt policy.

## 1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1.1 This is a planning application for a two storey front extension, single storey side extensions, alterations to the roof, basement & single storey garage block with associated hardstanding following the demolition of existing side extension and outbuilding.
- 1.2 The two storey front extension would infill the area to the south side of the building where the pre-existing extension is set back from the front elevation. This would incorporate the remodelling of the roof so that the ridge of the front extension and pre-existing extension matches that of the main dwelling. There would also be a front gable end introduced to the middle of the existing dwelling.
- 1.3 The proposal includes single storey extensions to either side of the dwelling which would project beyond the existing rear elevation. These would be of crown roof design with large sections of flat roof.
- 1.4 The proposed basement would link the house to a garage located to the north side of the existing dwelling.
- 1.5 There is an extensive planning history for the site which is summarised below and discussed further in the assessment of the proposal. The table below provides a summary of the floor space calculations which are referred to later in the report.

	Internal Floor space (sqm)
Original Dwelling	375 sqm
Size of two reasonably sized room extension allowance (as established in previous appeal decision)	46 sqm
Proposed Extensions	732.2 sqm
Outbuilding to be demolished	91.2 sqm
Basement	283 sqm
Total extensions above ground minus building to be demolished	357.8 sqm
Difference between two reasonably size rooms and proposed extensions	+ 311.8 sqm

## 2.0 SITE DESCRIPTION

- 2.1 The application relates to a two storey detached dwelling located on the east side of Brentwood Road on a corner plot at the junction with Doesgate Lane. The site is located to the east of Bulphan and is within the Green Belt.

## 3.0 RELEVANT PLANNING HISTORY

- 3.1 There is an extensive planning history on site. Of relevance to the current proposal are the following:

Reference	Description	Decision
17/00161/PHA	Single storey side extension extending 8ms from original rear wall of the property, with a maximum height of 4 metres and eaves height of 4 metres.	Prior Approval Not Required
16/01668/CLOPUD	Single storey side extensions and outbuilding	Approved
16/01548/CLOPUD	Swimming pool enclosure	Withdrawn
16/00861/CLOPUD	Proposed single storey side extension	Approved
14/01089/CLOPUD	Proposed outbuilding	Refused
14/01088/CLOPUD	Single storey extension	Approved
14/00084/CLOPUD	Side extension	Refused
14/00083/CLOPUD	Proposed outbuilding	Refused
12/00440/CLOPUD	Two storey rear extension and an increase in roof height to part of the existing roof slope and replacement chimney.	Approved
09/00638/FUL	Two storey front and rear extension, loft conversion incorporating front, side and rear dormers and pitched roof conservatory.	Refused – Appealed – Dismissed
09/00055/LDC	Use of part offices and part dwelling, with TV/Games room ancillary to the use of the main house.	Approved

## 4.0 CONSULTATION AND REPRESENTATIONS

- 4.1 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council's website via public access at the following link: [www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)

- 4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters and a public site notice which has been displayed nearby. No letters of representation have been received in relation to this application.

#### 4.3 ENVIRONMENTAL HEALTH:

No objection, subject to condition.

#### 4.4 ESSEX COUNTY COUNCIL ARCHAEOLOGY:

No objection.

#### 4.5 LANDSCAPE AND ECOLOGY ADVISOR:

No comments received.

### 5.0 POLICY CONTEXT

#### 5.1 National Planning policy Framework

The NPPF was published on 27th March 2012 and amended on 24th July 2018. Paragraph 10 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

- 4. Decision-making
- 12. Achieving well-designed places
- 13. Protecting Green Belt land

#### 5.2 Planning Policy Guidance

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains a range of subject areas, with each area

containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Determining a planning application
- Use of Planning Conditions

### 5.3 Local Planning Policy Thurrock Local Development Framework (as amended) 2015

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in (as amended) in January 2015. The following Core Strategy policies apply to the proposals:

#### SPATIAL POLICIES

- CSSP4 (Sustainable Green Belt)

#### THEMATIC POLICIES

- CSTP22 (Thurrock Design)
- CSTP24 (Heritage Assets and the Historic Environment)

#### POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)<sup>2</sup>
- PMD2 (Design and Layout)<sup>2</sup>
- PMD4 (Historic Environment)<sup>2</sup>
- PMD6 (Development in the Green Belt)<sup>2</sup>
- PMD8 (Parking Standards)<sup>3</sup>

[Footnote: 1New Policy inserted by the Focused Review of the LDF Core Strategy. 2Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy. 3Wording of forward to LDF-CS Policy amended either in part or in full by the Focused Review of the LDF Core Strategy].

### 5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on Issues and Options (Stage 1) document and simultaneously undertook a ‘Call for Sites’ exercise. It is currently anticipated

that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in 2018.

#### 5.5 Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

#### 5.6 Thurrock Residential Alterations and Extension Design Guide (RAE)

In September 2017 the Council launched the RAE Design Guide which provides advice and guidance for applicants who are proposing residential alterations and extensions. The Design Guide is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

### 6.0 **ASSESSMENT**

6.1 The principles issues to be considered with this case are:

- I. Principle of the development in the Green Belt
- II. Design and Layout and Impact upon the Area
- III. Effect on Neighbouring Properties
- IV. Traffic Impact, Access and Car Parking
- V. Other matters

#### I. PRINCIPLE OF THE DEVELOPMENT IN THE GREEN BELT

6.2 Under this heading, it is necessary to refer to the following key questions:

1. Whether the proposals constitute inappropriate development in the Green Belt;
  2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
  3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.
1. Whether the proposals constitute inappropriate development in the Green Belt

- 6.3 The site is identified on the LDF Core Strategy Proposal's Map within the Green Belt where policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will 'maintain the purpose function and open character of the Green Belt in Thurrock', and policy PMD6 states that the Council will 'maintain, protect and enhance the open character of the Green Belt in Thurrock'. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt in accordance with the requirements of the NPPF.
- 6.4 Paragraph 133 of the NPPF states that the Government attaches great importance to the Green Belt and that the "fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence." Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. The NPPF sets out a limited number of exceptions to this, including:
- 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.*
- 6.5 In this instance the proposal represents the extension of an existing building within the Green Belt. In order to assess whether these extensions represent disproportionate additions over and above the size of the original building the criteria of Policy PMD6 should be considered. The interpretation within PMD6 of a proportionate addition is one which is no larger than 'two reasonably sized rooms' (calculated from the floor space of the original dwelling).
- 6.6 As was established in the appeal decision on the refusal of planning application 09/00638/FUL it is accepted that the previous extensions to the south and east of the dwelling have probably been in situ since 1948. As such they form part of the original dwelling for the purposes of Green Belt policy. Whilst there have been a number of Lawful Development Certificates granted since this appeal none have yet been implemented. Therefore, the dwelling is considered to be original for the purposes of Green Belt policy and as discussed in the appeal decision the two room allowance for proportionate additions would equate to an additional floor area of 46 sqm.
- 6.7 The proposal incorporates a two storey front extension, single storey side extensions, alterations to the roof and a garage building which is linked to the existing dwelling via a basement. The total floor area (internal) of the proposed extensions is 732.2 sqm although it is acknowledged that the basement, which is wholly subterranean, and therefore does not impact upon openness, comprises 283sqm. As a result the extensions located above

ground level would have a total floor area of 449.2sqm. The proposal does include the removal of an existing outbuilding on the site which has a floor area of 91.2sqm. Taking into account the removal of this building the proposal results in an overall increase in floor area of 357.8 sqm significantly in excess of the two room allowance (46sqm) for a proportionate extension in the Green Belt.

- 6.8 To put this into context, the existing dwelling has a floor area of approximately 375 sqm, consequently the proposal, disregarding the basement and allowing for the demolition of the existing outbuilding results in an increase in floor area of 95.4%. In addition to the increase in floor area the proposal also includes alterations to the roof of the existing dwelling including the increase in the height of the existing two storey side addition and the introduction of a front gable. This contributes towards the overall increase in mass and bulk of the dwelling.
- 6.9 In total the proposed extensions would result in an increase in footprint of 353.4 sqm and an increase in volume of 1387.85 cubic metres. Therefore, it is considered that the proposed extensions and alterations would result in disproportionate additions over and above the size of the original dwelling and would not comply with the above referenced exception to the construction of building within the Green Belt. As the proposal would not fall within this exception it would represent inappropriate development within the Green Belt.
- 6.10 The Planning Statement submitted with the application refers to the Permitted Development allowances set out in the General Permitted Development Order 2018 (GPDO) which apply to dwellings within the Green Belt. The applicant contends that in allowing Permitted Development rights for such property the Secretary of State is outlining proportionate extensions to dwellings in the Green Belt. As the 2015 GPDO and subsequent revisions post-date the Local Plan, particularly Policy PMD6, the applicant considers that the two room proportionate extension guidance has been superseded by the allowances of the GPDO.
- 6.11 Whilst the allowances within the GPDO and any Lawful Development Certificates (LDC's) granted on the site are material considerations, the effect of this is only to grant permission for development within the Green Belt within the limitations set out therein. These allowances do not alter the duty to determine applications in accordance with development plan policies unless material considerations indicate otherwise. In the case of policy PMD6 the intention is to ensure that extensions to existing buildings do not materially impact upon the open character of the Green Belt. Therefore the allowances in the GPDO do not alter the presumption against inappropriate development in the Green Belt. This interpretation was supported by the Inspector in the



dismissing the appeal on application 09/00638/FUL. It should also be noted that the updated NPPF published in 2018 after the most recent GPDO maintains the same approach in terms of inappropriate development within the Green Belt.

6.12 In concluding the above, whilst the GPDO and LDC decisions are a material consideration these do not supersede the policies set out in the development plan and the presumption against inappropriate development in the Green Belt. Therefore, as has already been established above, in terms of the development plan the proposals represent disproportionate additions to the dwelling and therefore constitute inappropriate development in the Green Belt.

2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it

6.13 Having established that the proposals constitute inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein. In this instance the proposed extensions would increase the overall width of the dwelling, the height of the pre-existing two storey element, the bulk and mass of the roof and include a substantial outbuilding (which constitutes an extension by reason of its connection to the existing dwelling via the basement). The result is a significant increase in the overall bulk and mass of the main dwelling and a substantial increase in the width at ground floor level. Whilst this is viewed in the context of existing buildings to the rear of the site it would still result in a substantial increase in built form on this part of the site. This would result in the building appearing more prominent within the Green Belt than the existing and would reduce openness, therefore encroaching further upon the generally open character of the countryside. It is considered that the proposal would result in actual harm to openness in addition to the harm by reason of appropriateness.

3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.

6.14 Having established the proposal constitutes inappropriate development consideration must be given to whether there are any very special circumstances which clearly outweigh the harm to the Green Belt. Paragraph 144 of the NPPF states that, when considering any planning application, local planning authorities “should ensure that substantial weight is given to any harm to the Green Belt. 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”.

- 6.15 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise ‘very special circumstances’, either singly or in combination. However, some interpretation of very special circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. ‘very special’ is not necessarily to be interpreted as the converse of ‘commonplace’). However, the demonstration of very special circumstances is a ‘high’ test and the circumstances which are relied upon must be genuinely ‘very special’. In considering whether ‘very special circumstances’ exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being ‘very special circumstances’. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.
- 6.16 In this instance the Planning Statement submitted with the application does not specifically refer to very special circumstances. However, the contents of the Planning Statement indicate that the primary justification for the development relates to the allowances as set out in the GPDO and the Lawful Development Certificates that have been granted on the site. In comparison with the development that is allowed by the LDCs granted on the site, the proposal (not including the basement) would result in a decrease in the footprint of 56sqm and a reduction in volume of 30 cubic metres. The Planning Statement goes on to state that in addition to the reduction in footprint and volume the proposed works would also improve the appearance of the building architecturally both in comparison to the existing situation and the dwelling that would result from the extensions that could be carried out under permitted development.
- 6.17 The permitted development fall-back position is a material consideration in the determination of the application and the Green Belt implications of the development. It is acknowledged that the proposed extensions would have a smaller floor space and volume than the overall development allowed under permitted development and that the works could potentially be better integrated through planning permission rather than having to adhere to the requirements of the permitted development regulations. However, it must be

borne in mind that the proposed extensions do not constitute permitted development and therefore could not be carried out without planning permission. The proposal would result in a two storey extension and increase in the height of part of the roof which could not be carried out under permitted development. It should also be noted that in determining the previous appeal, the Inspector attached limited weight to the fall-back position as the proposal would have an appreciably greater impact upon the Green Belt than the fall-back position. It is considered that this remains the case in this instance particularly in terms of the increase in the overall bulk of the main dwelling. Therefore, whilst some weight is given to the permitted development fall-back position, it is considered that the significant difference between the fall-back position and proposal means that it would not clearly outweigh the harm to the Green Belt. In addition, and as referenced above, the circumstances put forward are quite generic in terms of the permitted development approach being available to multiple sites which further limits the weight as a very special circumstance.

- 6.18 The planning statement also references the applicants wish to remain in the house as well as their various contributions towards development and good causes in the area. Whilst these factors are acknowledged they are given very limited weight in the consideration of the impact upon the Green Belt.
- 6.19 In reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is significant harm to the Green Belt with reference to inappropriate development and loss of openness. A limited number of factors have been promoted by the applicant as 'very special circumstances'. Having taking into account all Green Belt considerations, it is considered that the identified harm to the Green Belt is not clearly outweighed by the accumulation of factors described above, so as to amount to the very special circumstances justifying inappropriate development.

## II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.20 Policy PMD2 requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.
- 6.21 Policy CSTP22 indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.

- 6.22 The area is characterised by dwellings of varied scale and design although it is noted that more recent developments allowed in the area are for dwellings of substantial scale. The proposals would result in an increase in the bulk of the dwelling due to the two storey front extension, front gable and alterations to the roof of the pre-existing side extension. This is compounded by the large single storey side extensions which, by reason of their width appear incongruous and out of proportion with the existing dwelling. When considered in the context of its prominent corner plot the proposals would result in an overly dominant and incongruous form of development that would adversely impact upon the street scene and the character of the area. The proposal is therefore contrary to policies PMD2 and CSTP22 of the Thurrock Local Development Framework Core Strategy and guidance within the Residential Alterations and Extension Design Guide SPD.
- 6.23 The proposed garage would have the appearance of an outbuilding although it is technically an extension linked to the main dwelling via the basement. It would be set back from the front elevation of the main dwelling and appear relatively subordinate. However, it would contribute towards the substantial increase in built form along this frontage. As a result it is considered that it would compound the above concerns with regards to the impact upon the street scene and character of the area.

### III. EFFECT ON NEIGHBOURING PROPERTIES

- 6.24 The proposed extensions are a significant distance from the nearest residential neighbours. As such it is considered that there would not be any loss of light, overbearing impact or loss of privacy as a result of the proposal. The proposal would therefore accord with the requirements of Policy PMD1 in terms of the impact upon neighbouring amenity.

### IV. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.25 The proposal would not alter the vehicular access to the dwelling and there would be space within the garage and on the proposed hardstanding for the parking of a number of vehicles on the site. This is considered to be appropriate for a dwelling of this size and therefore no concerns are raised with regards to the impact of the proposal on the highway network or parking arrangements within the site.

### OTHER MATTERS

- 6.26 The Council's Historic Environment Advisor notes that the proposed development lies adjacent to a historic farm complex. However the development is to the west of the known deposits and therefore is unlikely to

impact upon them. Therefore, no concerns are raised with regards to the impact upon historic assets.

## **7.0 CONCLUSIONS AND REASONS FOR REFUSAL**

- 7.1 The proposed extensions represent disproportionate additions over and above the size of the original building. Therefore the extensions would not fall within the exceptions to inappropriate development in the Green Belt. Inappropriate development is by definition harmful and the proposal would also result in actual harm to openness as it significantly increases the scale of the dwelling which would encroach further into the countryside, harmful to the openness of the Green Belt.
- 7.2 Where a proposal represents inappropriate development the applicant must demonstrate very special circumstances which clearly outweigh the harm to the Green Belt. In this instance the very special circumstances put forward in terms of; the permitted development fall-back position, the improvement in the design of the dwelling, the applicants desire to improve their property and the various contributions the applicant makes to the area, are not considered to outweigh the definitional and actual harm to the openness of the Green Belt. The proposal is therefore contrary to policy PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.
- 7.3 The proposed extensions to the existing dwelling result in an overly bulky and incongruous form of development on this prominent corner plot which would result in a dwelling which would adversely impact upon the street scene and character of the area. The proposal would therefore be contrary to policies PMD2 and CSTP22 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.

## **8.0 RECOMMENDATION**

Refuse for the following reasons;

1. The proposed extensions (including the garage) would, by reason of their scale result in disproportionate additions to the original dwelling, representing inappropriate development in the Green Belt which is by definition harmful. In addition these extensions would also cause actual loss of openness due to the substantial increase in the scale of the dwelling. The circumstances put forward by the applicant do not constitute very special circumstances to justify inappropriate development in the Green Belt. The proposal is therefore contrary to Policy PMD6 of the

adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.

2. The proposed extensions (including the garage), would by reason of their siting, width and scale result in an overly bulky and incongruous form of development on this prominent corner plot adversely impacting upon the street scene and character of the area. The proposal would therefore be contrary to guidance in the Residential Alterations and Extension Design Guide SPD 2017 policies PMD2 and CSTP22 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by discussing the application process with the Applicant/Agent and seeking to determine this at the first available opportunity. Unfortunately, due to the in principle concerns with the development it was not possible to negotiate on the application to achieve a positive outcome. However, the Local Planning Authority has clearly set out, within its report, the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

#### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online: <http://regs.thurrock.gov.uk/online-applications>

