



Appeal Decision

Site visit made on 4 October 2016

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th October 2016

Appeal Ref: APP/J1535/D/16/3157756

The Cottage, Long Street, Waltham Abbey, Essex EN9 3TQ

- 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 Mr & Mrs Craig Davies against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/1274/16, dated 9 May 2016, was refused by notice dated 5 July 2016.
 - The development proposed is erection of replacement garage/workshop and demolition of existing garage/workshop.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether the proposal is inappropriate development in the Green Belt;
 - ii) the effect on the openness of the Green Belt;
 - iii) whether the proposal would preserve or enhance the character or appearance of the Upshire Conservation Area, and
 - iv) 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 development.

Reasons

Whether inappropriate development

3. The National Planning Policy Framework (the Framework) restricts most types of development in the Green Belt, although some specific exceptions are made as set out in paragraphs 89 and 90. The extension or alteration of a building is one such exception, providing that the works do not result in disproportionate additions over and above the size of the original building. Saved Policy GB2A of the Epping Forest Local Plan 1998 with Alterations 2006 (the Local Plan) is generally consistent with the Framework and allows limited extensions to existing
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dwellings within Green Belts. It refers to Policy GB14A, but this Policy has not been saved and therefore has not been determinative in relation to this issue.

4. The proposed building would clearly be an outbuilding and as such would normally fail to be included as one of the exceptions set out in paragraph 89 of the Framework. I have considered whether the proposed outbuilding could be considered as an extension or alteration to the main building. However, given its significant distance from the dwelling and the fact that it would be visible as a clearly separate building, it could not reasonably be considered as a normal domestic adjunct i.e. an extension to the host dwelling, and therefore an exception as set out within paragraph 89.
5. Even if I were to accept the proposed outbuilding could be considered as an extension to The Cottage, the Council advise that the host dwelling has already been extended over 100% of its original volume, together with the erection of a large outbuilding containing a swimming pool. The appellant suggests that extensions erected before the designation of the Green Belt should not be taken into account.
6. I have not though been supplied with any figures demonstrating the size of the proposed outbuilding in relation to the existing dwellinghouse. Nonetheless, the Council states that the proposed outbuilding would have a ridge height of 6.5m, a length of 12m and a width of 14.6m, creating a volume of 570 cubic metres and these figures have not been disputed by the appellant. Accordingly, the proposed building would be a substantial size that would not be subservient to the host dwelling. Furthermore, it would be considerably larger than the existing swimming pool outbuilding and garage. It could not therefore be considered as a limited extension to the existing dwelling as required by saved Policy GB2A.
7. I have considered whether the proposal would comply with a further exception within paragraph 89 of the Framework which allows the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces. As part of the proposal the existing garage would be demolished and replaced by the proposed outbuilding albeit in a different location on the appeal site. However, the existing garage could accommodate only two cars whereas the proposed outbuilding would house four cars together with a workshop, home office and store. As a consequence it would be materially larger than the building it would replace.
8. I therefore conclude that the proposal would not comply with any of the exceptions within paragraph 89 of the Framework or be a limited extension as required by Policy GB2A of the Local Plan. It would therefore be inappropriate development in the Green Belt.

Openness

9. Policy GB7A of the Local Plan requires that development does not have an excessive adverse impact upon the openness of the Green Belt. This is broadly in accordance with paragraph 79 of the Framework which states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
10. The Cottage is surrounded on three sides by undulating open countryside which can clearly be seen through the gaps between the existing buildings on site. The proposed building would be constructed on an existing area of hard-standing.

However, due to its large size and considerable height it would form a large mass of building that would be constructed where there is currently no built form. I appreciate that due to changing land levels it would appear lower when viewed from Long Street and of a similar height to the existing garage. Furthermore, there are a number of trees around the site. Nonetheless, the trees do not provide a complete screen and views would be available through to the proposed building. In any case openness is the absence of buildings or development. Hence it is epitomised by the lack of buildings rather than those that are unobtrusive or screened in some way. As such, there is a clear distinction between openness and visual impact.

11. As a consequence therefore the introduction of a large building where there is currently none, adjacent to the open countryside, would have a significant impact on the openness of the Green Belt. I am aware that the existing garage would be demolished as part of the proposals which would be a benefit in terms of the openness of the appeal site. However, the proposed building has a larger footprint and mass than the existing garage and therefore would nevertheless be significantly harmful to the openness of the Green Belt. It would therefore be contrary to the requirements of Policy GB7A of the Local Plan and the Framework.

Character and appearance of Conservation Area

12. The Upshire Conservation Area designation covers a large area which I saw is characterised by significant areas of rolling open countryside with small pockets of development. These mainly take the form of linear settlements along the road side. Elsewhere within the open countryside are scattered individual dwellings. There are a variety of designs and styles of architecture creating very mixed character and appearance. However, I noted that outbuildings such as garages or sheds tended to be subservient to the host dwelling and sited close to it.
13. The Cottage forms an isolated house within the open countryside with two outbuildings within reasonable proximity of the host dwelling. The proposed outbuilding would be sited some distance from the Cottage with the intervening space being used as garden or hardstanding. However, I have already found it would not be of a size or mass to be subservient to The Cottage. Irrespective of the use of the intervening space between the Cottage and the proposed building, its size together with its agricultural appearance at odds with the existing residential character of the buildings, would lead to the appeal proposal being read as an individual entity. This would be reinforced by the demolition of the existing garage.
14. For the reasons above therefore I consider that the proposal would not preserve or enhance the character or appearance of the Upshire Conservation Area contrary to saved Policies HC6 and HC7 of the Local Plan. These require, amongst other things, that development is not detrimental to the character and appearance of the Conservation Area but be sympathetic in terms of scale, massing and height.
15. The harm that would be caused by the proposed outbuilding to the significance of the Conservation Area as a whole would be less than substantial. In such circumstances paragraph 134 of the Framework advises that the harm that would be caused should be weighed against the public benefits of the proposal.
16. The construction of the outbuilding would result in employment and generate economic activity but this would be time limited and the work associated with one

building would be relatively minimal. I therefore give this benefit limited weight. The appellant points to the removal of the existing garage which the Council considers does not make a good contribution to the area in terms of its design and materials to be a benefit of the scheme. However, its replacement with a structure which would also be harmful to the character and appearance of the Conservation Area limits the weight I can give to this benefit.

17. Paragraph 132 of the Framework notes that heritage assets are an irreplaceable resource and that great weight should be given to their conservation. The economic benefit of the outbuilding together with the loss of the existing garage would not in this instance outweigh the resulting harm to the Conservation Area. This harm adds additional weight against the proposals.

Very Special circumstances

18. The onus rests on the appellant to show why permission should be granted for development that would be inappropriate by definition. Substantial weight is given to the harm to the Green Belt in considering applications or appeals concerning inappropriate development. Paragraph 88 of the Framework advises that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, are clearly outweighed by other considerations.
19. It is suggested by the appellant that the demolition of the existing garage would improve the openness of the site. While this may be the case its replacement by a larger building would have a significant impact on openness elsewhere in the site. Therefore such a consideration is not of sufficient strength to clearly outweigh the substantial harm by reason of inappropriateness and by the adverse impact of the proposal on the openness of the Green Belt. It is concluded, therefore, that very special circumstances necessary to justify the development have not been demonstrated to exist to justify the granting of planning permission.

Conclusion

20. The harm by reason of inappropriateness is added to by the reduction in openness and harm to the Upshire Conservation Area. Paragraph 88 of the Framework advises that substantial weight should be given to the harm by reason of inappropriateness and any other harm to the Green Belt. Clearly, therefore the degree of harm caused would be significant. I find that the other considerations put forward by the appellant do not clearly outweigh the harm identified and the very special circumstances necessary to justify the development does not exist.
21. Whilst a presumption in favour of sustainable development is at the heart of the Framework any presumption in favour of the scheme is clearly outweighed by the comprehensive harm the proposal would cause to the Green Belt and the Conservation Area. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR