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## Appeal Decision

Site visit made on 6 December 2016

**by A Napier BA(Hons) MRTPI MIEMA CEnv**

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

**Decision date: 20 December 2016**

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**Appeal Ref: APP/J1535/D/16/3161137**

**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/1901/16, dated 11 July 2016, was refused by notice dated 7 September 2016.
  - The development proposed is single storey rear extension.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The appeal site is located within the Metropolitan Green Belt and the Upshire Conservation Area. I am mindful of my statutory and other duties in these respects. The main issues in this appeal are:
  - Whether or not the development would be inappropriate development within the Metropolitan Green Belt and its effect on openness, having regard to the National Planning Policy Framework and development plan policies;
  - Whether or not the development would preserve or enhance the character or appearance of the Conservation Area; and
  - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

### Reasons

*Whether or not inappropriate development and openness*

3. Paragraph 79 of the National Planning Policy Framework (the Framework) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Paragraph 89 of the Framework states that the construction of new buildings should be regarded as inappropriate development within the Green Belt. An exception to this includes 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.
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4. The *Epping Forest District Local Plan Alterations 2006* (LP) Policy GB2A provides for a limited extension to an existing dwelling within the Green Belt. In addition, LP Policy GB7A seeks to resist conspicuous development within the Green Belt, which would have an excessive adverse impact on its openness, rural character or visual amenities. The covering letter submitted with the planning application also makes reference to LP Policy GB14A, which I understand, amongst other matters, seeks to protect the open character of the Green Belt and prevent disproportionate additions of more than 40% over and above the total floorspace of the original building, up to a maximum of 50 square metres. Reference is made within the Council's officer report to the cumulative increase in the floorspace and volume of the original dwelling. Whilst other potential measures of size also exist, I am satisfied that these measures would provide a useful indication of whether the proposal would be a disproportionate addition relative to the size of the original dwelling.
5. The appeal dwelling is a substantial house within sizeable gardens, which include a swimming pool and enclosed tennis court, together with a number of outbuildings. From the evidence provided, the dwelling has previously been extended. As well as a replacement roof for an existing extension, the proposal would comprise a fairly modest further single storey extension, which would increase the floorspace of the existing dwelling by some 30 square metres.
6. The details provided do not calculate the cumulative impact of the proposal on the original dwelling. However, it is not disputed that an earlier proposed rear extension would have cumulatively increased the floorspace of the dwelling by 150%. Although the depth of this previous scheme was larger than that of the current appeal proposal, the difference in size between the two schemes would appear to be relatively limited. As such, I am satisfied that the appeal scheme would not have a substantially different impact on the cumulative additional floorspace of the dwelling.
7. Furthermore, whilst I do not have full details of the previous extensions undertaken to the building or the background to those decisions, it is not a matter of dispute between the parties that, in comparison to the original dwelling, these previous extensions have increased the volume of the building by more than 100%. Accordingly, overall, when considered cumulatively with the other additions previously made to the dwelling, I find that the proposed extension would result in a disproportionate addition relative to the size of the original building.
8. The appellant contends that, as they were constructed in the 1980s, the previous extensions to the dwelling should not be taken into consideration in the assessment of whether or not the current proposal would be proportionate. Both national and local planning policies refer to the 'original' dwelling in this respect. The Framework defines original as the building as it existed on 1 July 1948, or as built, if constructed after that date. The alternative development plan baseline advocated by the appellant would potentially allow for greater incremental increases in the size of the dwelling over time. As a result, this approach would materially conflict with the established purposes of the Green Belt and the policies of the Framework. Accordingly, I find that such an approach would not be appropriate and I am satisfied that it would be reasonable to consider the proposal in relation to the Framework definition. As such, this matter does not lead me to alter my findings above.

9. The single-storey extension would be situated to the rear of the dwelling and due to this siting, the context of the site and the design and scale of the proposal, it would have only a modest visual impact on the wider area. Nonetheless, it would involve the development of a previously open part of the site. As such, by its nature, the proposal would have some impact on openness and, although this would not be an excessive adverse impact, I consider that it would have a moderate overall effect in this regard.
10. Accordingly, I conclude that the appeal extension, when considered cumulatively with previous extensions to the original building, would represent a disproportionate addition to the appeal dwelling, which would result in inappropriate development within the Green Belt that, by definition, would be harmful. The proposal would be contrary to LP Policy GB2A and would not meet the aims of paragraph 89 of the Framework. In addition, whilst I have found that it would have a moderate impact on openness which, as a result, would not conflict with LP Policy GB7A, it would nonetheless result in some conflict with the purposes of including land within the Green Belt. Having regard to paragraph 88 of the Framework, I give substantial weight to the totality of harm to the Green Belt.

#### *Character and appearance*

11. The Conservation Area is extensive and covers a significant area of countryside, as well as the historic core of the settlement. From the information available to me, I consider the importance of the Area to be largely derived from its predominantly rural character, together with the variety and quality of buildings it contains. The appeal dwelling is a relatively isolated property, situated within an extensive garden, adjacent to the narrow public highway. The proposal seeks to replace a lean-to roof on an existing single-storey extension to the rear of the dwelling and to further extend the dwelling by an extension of a similar scale and design.
12. Whilst the proposal would result in a large expanse of flat roof and a side elevation of a significant depth, it would also be single-storey in form and the siting of the appeal development in relation to the existing built form and the context of the site would significantly limit the wider visual impact of these proposed alterations. The proposed extension would be relatively modest in scale and, notwithstanding its form and overall depth, I consider that the proposal would not materially detract from the existing character of the appeal dwelling. As a result, for these reasons, I consider that it would not result in harm to the character or appearance of the Conservation Area.
13. The proposal would enable the distinctive quoin detailing to be reinstated to one corner of the existing building. However, given the position of this detailing on the building and the context of the site, I consider that the resulting benefits in this regard would be relatively modest and I give them limited weight.
14. Accordingly, overall, I conclude that the proposal would have some limited benefits and would not be harmful to the character and appearance of the Conservation Area. It would accord with the *Epping Forest District Local Plan 1998* Policies DBE1, HC6 and HC7, where they collectively seek to protect local character and appearance, including in relation to the historic environment. It would also meet the aims of paragraph 17 of the Framework, to achieve high quality design, take account of the different roles and character of different

areas and conserve heritage assets in a manner appropriate to their significance.

*Other considerations*

15. By increasing the amount of living space provided within the dwelling, the proposal would be likely to be of benefit to the appellants. However, the existing dwelling appears sizeable and, as such, reasonably likely to provide a degree of flexibility in its potential use. Furthermore, it has not been suggested, nor do I consider given the existing qualities of the dwelling and its location, that the proposal would be necessary to secure the continued residential use of the building. In addition, although the construction of the proposal would have some economic benefits, given the scale of development proposed, I consider that these would be likely to be limited. Accordingly, whilst these are matters that weigh in favour of the scheme, I give them only moderate weight.
16. Given the context of the site and the details proposed, the appeal proposal would not affect the living conditions of others and would not have an adverse effect on the local highway network or the provision of on-site parking. In addition, I note that no objections were made to the proposal. However, the absence of objections to the scheme or harm in these respects are neutral matters that weigh neither for nor against the proposal in my overall consideration of the appeal.

**Conclusion**

17. The development would be inappropriate development within the Green Belt and I give substantial weight to this and the harm to openness. I have found that the development would not be harmful to the character and appearance of the Conservation Area and would have some benefits, which weigh in its favour and lend support for the proposal. However, when considered overall and having regard to all other matters raised, I conclude that the other considerations in this case would not clearly outweigh the totality of harm that would be caused by the appeal development. Consequently, the very special circumstances necessary to justify the development do not exist.
18. For the above reasons, I conclude that the appeal should be dismissed.

*A Napier*

INSPECTOR