The Planning Inspectorate

# Appeal Decision

Site visit made on 12 December 2016

**by David Troy BSc (Hons) MA MRTPI**

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

**Decision date: 20th January 2017**

**Appeal Ref: APP/J1535/D/16/3157695**
**Hoddydodd Hall, Spains Hall Road, Willingale, Ongar CM5 0QD**

- 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 Gary Dobinson against the decision of Epping Forest District Council.
- The application Ref PL/EPF/1489/16, dated 26 May 2016, was refused by notice dated 26 July 2016.
- The development proposed is removal of existing garage, porch, weatherboard and render. Proposed new garage, porch, rear first floor extension, external storage. Alteration to existing windows, doors and external facing materials. Proposed new vehicular access.

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:

   (i) Whether the proposed development would be inappropriate development in the Green Belt;

   (ii) The effect of the development on the openness of the Green Belt; and

   (iii) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, as to amount to the very special circumstances necessary to justify the development.

## Reasons

*Whether inappropriate development in the Green Belt*

3. Paragraph 89 of the National Planning Policy Framework (the Framework) establishes that new buildings within the Green Belt are inappropriate development unless they fall within a list of stated exceptions. One exception involves the extension or alteration of an existing building provided that it does not result in disproportionate additions over and above the size of the original building. The glossary of the Framework defines 'original building' as that as existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

4. The appeal site comprises a two storey dwelling house with detached garage at the side set back from the road behind a front garden/driveway and boundary hedgerow. The property forms part of a small cluster of dwellings in a rural Green Belt location set in attractive open countryside. The proposal would entail the construction of a rear extension at first floor level, new detached garage and porch at the side of the property to replace the existing structures and alterations to the external finishing materials.

5. The appellant's statement confirms that the original house was a modest one bedroomed cottage, with a rear lean-to washroom, which has been extended in 1966, 1974/75 and 1986. The Council's report outlines that the extensions over two storeys to the side and rear elevations currently stand at approximately 270% over and above the volume of the original building. There is no information to confirm or deny the accuracy of the Council's calculations but there is no need to do so because the appellant accepts that the house is already much larger than the original dwelling, a judgement with which I concur.

6. The proposed first floor rear extension would measure about 11.5 sqm and have a volume of approximately 35m$^3$. The footprint of the house would not be increased as the proposal would occupy the same area as the existing house and the proposed extension would match the existing building, in terms of height and design. However, assessing proportionality is primarily an objective test based on size. Based on this, I consider that the proposed extension, when combined with the existing additions, would result in a disproportionate addition over and above the size of the original building.

7. Consequently, the proposed development would constitute inappropriate development in the Green Belt that is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. It conflicts with the aims of the Framework and Policy GB2A of the Epping Forest District Local Plan Alteration 2006 (LP), which is broadly consistent with the Framework on this approach to the Green Belt. In accordance with the Framework, I attach substantial weight to the harm arising due to the inappropriate nature of the development in this location.

*Openness of the Green Belt*

8. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The Framework advises at Paragraph 79 that openness and their permanence are essential characteristics of Green Belts. The attributes of openness is largely related to the absence of buildings or development, and not necessarily to visibility.

9. In this case, the replacement garage and porch would be comparable in size to the existing garage and porch to be removed and as such would have neutral impact on the openness of the site. The proposed first floor rear extension, however, whilst modest in scale, would result in an increase in the built form of the building which would compromise the sense of openness at the site. These shortcomings would be exacerbated by the appeal site's prominent position next to Spains Hall Road, where glimpses of the side elevation of the proposed extension would be visible between the appeal site and the adjacent property.

10. Consequently, I conclude that the proposed development would have some degree of harm on the openness of the Green Belt and as such would conflict

with the aims of the Framework and Policy GB7A of the LP which seek to preserve the openness of the Green Belt.

*Other considerations*

11. I have considered the appellant's arguments that the design of the proposed development would improve the appearance of the property as well as the setting and overlooking of the adjacent Grade II listed dwelling at High Elm Cottage. In this respect, I have noted the support by the occupants of the neighbouring property for the rear extension. However, whilst the use of matching materials, fenestrations and the roof design would assist in integrating the proposed development with the design of the existing dwelling and reduce the level of overlooking, these aspects do not overcome the adverse harm outlined above. I therefore afford these matters limited weight.

12. Similarly, given the modest scale of the proposed extension and the separation distance between the appeal site and the listed property, the proposal would have no material impact on the setting of the listed building. The setting would therefore be preserved and as such the improvements of the building as result of this appeal has only limited weight.

13. I considered the appellant's comments regarding the removal of the new vehicular access and the highway safety improvements arising from the relocation of the porch to the side of the property. Overall, the evidence before me does not show that the benefits arising from these improvements would outweigh the harm to the Green Belt and I attach little weight to these matters.

14. I have considered the appellant's comments about the family's personal circumstances and the benefits to the family arising from the proposed additional accommodation. However, the courts have generally taken the view that planning is concerned with land use in the public interest. Although personal circumstances can sometimes justify a personal or temporary permission, that would not be appropriate here where a permanent structure is intended and as such are matters to which I can attach only limited weight in making this decision.

**Conclusion**

15. The development amounts to inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. The proposed garage and porch would have neutral impact on the openness and the first floor rear extension would result in a small reduction in openness.

16. Having considered all of the matters raised in support of the development, I conclude that collectively, they do not outweigh the totality of the harm I have identified in relation to the Green Belt. Accordingly, very special circumstances do not exist and development is contrary to Policies GB2A and GB7A of the LP and the Framework. I therefore conclude that the appeal should be dismissed.

*David Troy*

INSPECTOR