
Appeal Decision

Site visit made on 7 January 2017

by David L Morgan BA MA (T&CP) MA (Bld Con IoAAS) MRTPI IHBC

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

Decision date: 17th March 2017

Appeal Ref: APP/J1535/D/3166129

North Villa, Mott Street, Walham Abbey, IG10 4AP

- 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 John Lyons against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2305/16, dated 26 August 2016, was refused by notice dated 16 November 2016.
 - The development proposed is double storey extension to existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appeal property is located within the Metropolitan Green Belt. However, the Council have, on the basis of the appellant's evidence, accepted that the proposed extension would not be inappropriate development in that context and this is reflected in the absence of a reason for refusal in this regard. However, their second reason for refusal relies on policy GB2A of the Epping Forest District Local Plan Local Plan Alterations 2006 (EFDLPA). This advises that 'planning permission will not be granted for the ... extension of existing buildings in the Green Belt unless it is appropriate in that it is:... a limited extension to an existing dwelling that is in accordance with policy GB14A or is in accordance with other Green Belt policy'.
3. However, policy GB14A has not been saved and therefore no longer applies. Accordingly, without this necessary qualification, the proposals not having been deemed inappropriate, and the other supplied Green Belt policies not being relevant to this case, there is no development plan policy applicable in this context. On this basis, neither is there a development plan policy by which the asserted harm to the openness of the Green Belt set out in the second reason for refusal may be properly considered. In this context, and in the absence of any further elaboration on the position by the Council, I have had regard to the relevant paragraphs (87-90) of the National Planning Policy Framework (the Framework) which relate to Green Belts.
4. Moreover, in light of the judgement of the high Court in *Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1)* [2016] EWCA Civ 404, (endorsed by the conclusions of the Court of

Appeal) development found to be 'not inappropriate' applying paragraphs 89 or 90 of the Framework, should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. Here the impact on openness is implicitly taken into account in the exceptions unless there is a specific requirement to consider the actual effect on openness. Therefore, for those exceptions within paragraph 89 where the effect of the development on openness is not expressly stated as a determinative factor in gauging inappropriateness, there is no requirement to assess the impact of the development on the openness of the Green Belt. This is the case in respect of this appeal where the third bullet point of paragraph 89 deals with the extension or alteration of the dwelling being considered.

5. In summary therefore, in the absence of a conclusion affirming the inappropriateness of the development, there can be no separate assessment of its effect on openness in the circumstances of this case.

Main issue

6. In light of the above therefore I consider the main issue in this case to be the effect of the proposed development on the character and appearance of the area.

Reasons

7. Mott Street is in fact a long linear lane that descends from the High Beach Ridge down to the flat plane of the valley floor below. At its head the character is very rural, though as it descends its flanks become populated by clusters of detached and semi-detached dwellings. Some of these, such as Manor Cottage to the west of the appeal site, appear to be of some age, and indeed architectural quality. The appeal property and the neighbouring Cinders Cottage also appear at core to be of some age, most probably dating from the later C19, though these and others appear to have been extended subsequently.
8. Despite the encroachment of new development and additions to the older structures, Mott Street still retains a strong sense of rurality, and even in the more dense clusters of development there are gaps between where the proximity of the countryside can still be keenly sensed.
9. The appeal property itself also appears to have been the subject of past alteration and extension, with a higher level flat roof addition to the rear and with planning permission for a single story extension on the footprint of that currently proposed, apparently traded for the loss of associated structures within its curtilage.
10. The proposals are for an additional two storey bay on the western gable of the cottage. This would be set back slightly from the front elevation and below the ridge of the existing roof, in effect reflecting the treatment of the addition on the adjacent attached dwelling to the east. The detailing and materials of the existing house are replicated in the elevations.
11. It is the case that the proposed extension will be set back and below the front elevation and ridge of the existing building, offering a degree of localised visual subservience between the two. However, the land, and indeed Mott Street at this point, fall quite steeply to the west and the full and extended height of the addition would be very clearly apparent from the street, especially looking to

the east. This falling topography would accentuate the awkward profile of the part new gable and its utilitarian flat-roofed component to the rear, making this element of the structure more prominent and incongruous in the street scene.

12. Moreover, the projection of this new addition into the space between the existing building and Cinders Cottage would have the effect of closing down the space between the two buildings, diminishing the opportunities to sense the wider countryside beyond. Both these factors in combination would in my view fail to either sustain the rural character of the area or safeguard the character of this part of the rural settlement. I note the appellant's comments with regard to the outbuilding formally on the site. However, this structure is not represented on any of the drawings and at the time of my visit it had apparently been entirely removed from the site. Indeed, there appeared to be further structures within the curtilage of the site subsequently erected that are also not represented on the drawings. In light of these circumstances I can only apportion limited weight to this matter as a consideration that may weigh in favour of the proposals.
13. On the basis of the above the proposal would fail to complement the appearance of the street scene. For these reasons therefore the proposals would be in clear conflict with policy CP2 of the EFDLPA, which inter alia seeks to safeguard and sustain rural and townscape character. They would also be in clear conflict with policy DBE10 of the same, which requires residential extensions to complement the street scene amongst other matters.
14. For all these reasons therefore, and having considered all matters raised, I conclude that the appeal should be dismissed.

David Morgan

Inspector