
Appeal Decision

Site visit made on 28 February 2017

by Paul Dignan MSc PhD

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

Decision date: 29 March 2017

Appeal Ref: APP/J1535/C/16/3146307

The Dower House, Manor Road, Loughton, IG10 4AD.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs Vikki Hartman against an enforcement notice issued by Epping Forest District Council.
 - The enforcement notice, numbered ENF/0552/14, was issued on 3 February 2016.
 - The breach of planning control as alleged in the notice is without planning permission the erection of an outbuilding shown in the approximate position hatched black on the attached plan.
 - The requirements of the notice are: a) demolish the building shown hatched black on the plan annexed hereto and all resultant debris removed from the land; OR b) alter the said building to accord with the approved plans of EPF/1819/11.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. The application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Reasons

2. The Dower House is a Grade II listed house located in the Green Belt. Planning permission¹ and listed building consent were granted in 2011 for alterations to the listed house and the erection of a car port, essentially a 3-bay cart shed type garage building with storage/workshop above. The car port was not built in accordance with the approved drawings, rather the outbuilding the subject of this appeal was erected on the same footprint, but higher at both eaves and ridge height, with different layout and fenestration and with a timber balcony. A subsequent planning application to retain the outbuilding, with some modifications, was refused and dismissed at appeal². The ground (a) appeal, which is that planning permission should be granted for the outbuilding, also proposes modifications that the appellant considers would address the previous Inspector's reasons for dismissing the appeal, which in summary were that even with the modifications proposed the building would be a dominant

¹ Council Ref. PL/EPF/1819/11

² Appeal Ref. APP/J1535/D/15/3131736

structure in the setting of the listed building, undermining its significance. The harm identified was not clearly outweighed by other material considerations so as to justify the development in the Green Belt on the basis of very special circumstances.

3. The dominance of the outbuilding, so far as it affects the setting of the listed building, has been a concern of the Council since it was built. It is also considered to have an overly domestic appearance. The modifications proposed in the previous appeal were the removal of the balcony and obscure glazing the French Doors leading onto the balcony. The modifications indicated in the plans submitted with this appeal would also include the removal of the balcony, along with reduced glazing on the upper floor gable where the balcony is located and changes to the ground floor frontage onto the driveway to provide a more open appearance. Currently only the central bay is open, and the proposed alterations would see 2 bays completely open and available for parking, with the other open at the front with a WC and stairs enclosed to the rear. This would help to address the overly domestic appearance of the building, making it more utilitarian in character. However, the overall scale of the building would not change. It would remain as a dominant feature within the setting of the listed building, particularly so in views from the immediate vicinity of The Dower House itself and on the approach along the drive.
4. The appellant has suggested that the 2015 Inspector considered that the dimensions of the existing building were acceptable, but that is an unduly selective reading of the decision in my view. She noted that a building of the height proposed (the as-built height) would not be unduly intrusive in isolation, but she clearly found it to be a dominant structure within the setting of The Dower House. The alterations proposed would help address the problem of the building's 'cottage-like' character and appearance, but I consider that it would remain a dominant structure within the setting of the listed building, adversely affecting it, visually competing with it and diminishing its significance. This is in contrast to the 2015 Inspector's view on the approved building, whose height and design she considered would give the structure a subservient appearance.
5. I agree with the 2015 Inspector that the outbuilding is inappropriate development in the Green Belt, and should only be approved in very special circumstances. The definitional harm must be accorded substantial weight, and places the development in conflict with Policy GB2A of the Epping Forest District Local Plan 1998 with Alterations 2006 (LP). By virtue of the harm to the setting of the listed building, the development as proposed to be modified would also be contrary to LP Policy HC12. This harm to the heritage asset would be less than substantial, but it nonetheless weighs against the development since it is not outweighed by public benefits.

Other matters

6. One of the reasons for issuing the notice was the impact on neighbours' amenities, apparently due to overlooking of an area of managed grassland attached to a neighbouring property, but distant from the dwelling. As I understand it this land is not considered to be private garden for planning purposes, so I do not attach significant weight to the impact on residential amenity.

Conclusion

7. The outbuilding is an unduly dominant structure within the setting of The Dower House that causes harm to its setting. The proposed modifications do not satisfactorily address this harm. On this basis alone, having regard to the conflict with the development plan and with national planning policy, I consider that the appeal should be dismissed.
8. The issue of inappropriate development in the Green Belt was not among the reasons given for issuing the notice. While issue is not taken by either party with the 2015 Inspector's finding on this matter, I find in any case that the development, with the modifications proposed, would be unacceptable even if Green Belt policies were not in play.
9. Accordingly, having regard to all other matters raised I conclude that the appeal should be dismissed.

Paul Dignan

INSPECTOR