

Appeal Decision

Site visit made on 25 April 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 11th May 2017

Appeal Ref: APP/J1915/D/17/3171164
Jesmond Cottage, Epping Green SG13 8NG

- 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 Frank Banner against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2824/HH, dated 7 December 2016, was refused by notice dated 16 February 2017.
 - The development proposed is the demolition of existing office and storage buildings and replacement with a single storey building ancillary to the main house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address on the original application form refers to "2 Jesmond Cottages", but it is apparent from the plans and my site visit that the property is simply known as Jesmond Cottage. I have thus referred to this address above.
3. The appeal structure is an outbuilding that has already been implemented, replacing two separate outbuildings. I have thus treated this appeal as seeking retrospective planning permission for the development.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the proposal would be inappropriate development, whether the harm by reason of its inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

5. The appeal site is within the Metropolitan Green Belt in the small village of Epping Green. Paragraph 89 of the NPPF establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves the extension or alteration of a building that does not result in disproportionate additions over and above the size of the original building.
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6. Policy GBC1(d) of the East Herts Local Plan Second Review April 2007 ('the Local Plan') states that limited extensions or alterations to existing dwellings in accordance with Policy ENV5 will not be inappropriate development. Policy ENV5, amongst other things, expects outside of main settlements and larger villages that an extension to a dwelling, or the erection of outbuildings, "to be of a scale and size that would either by itself, or cumulatively with other extensions, not disproportionately alter the size of the original dwelling nor intrude into the openness or rural qualities of the surrounding area".
7. The appellant disputes the Council's stance that the appeal outbuilding forms part of the main dwellinghouse, noting that paragraph 89 of the NPPF does not refer to the extension or alteration of dwellings. However, it is a matter of fact and degree. While the outbuilding is physically separate to the main dwellinghouse, it lies within close proximity and functions as an ancillary structure as a car port as well as an office and home gym as shown on the submitted floor plans. Therefore, it can reasonably be regarded as forming part of the main dwellinghouse and as an extension. Policies GBC1(d) and ENV5 are thus applicable and are consistent with paragraph 89 of the NPPF in this case.
8. Jesmond Cottage has been extended by over 200% from the original building in terms of its footprint according to the Council. I observed ground floor and first floor extensions at the rear of the property as well as a two storey outbuilding attached to the main house by a glazed link. This represents a substantial enlargement of the original building.
9. While there appears to be some differences between the appellant and the Council in terms of the dimensions of the appeal outbuilding compared to the approved outbuilding from a 2015 planning permission (Ref 3/15/0500/HH), the appeal outbuilding is clearly bigger than the two outbuildings it has replaced according to the plans and figures submitted with the appeal. This is not just in terms of footprint, but also in terms of height and volume. Although the differences in size between the two outbuildings and the appeal outbuilding are not considerable, when viewed cumulatively alongside other extensions to Jesmond Cottage, the appeal outbuilding represents a disproportionate addition to the original building. Therefore, it constitutes inappropriate development within the Green Belt.

Effect of the openness of the Green Belt

10. Paragraph 79 of the NPPF states that openness is an essential characteristic of the Green Belt. I accept that the outbuilding is largely hidden from public viewpoints, and is considered to be acceptable by the Council in design terms, but this does not negate the effect of the development on openness. The outbuilding erodes the space to the side of the main house in terms of footprint and volume, more than the previous two outbuildings. The degree of harm arising from this is tempered by the secluded nature of the outbuilding, but there would still be minor harm to the openness of the Green Belt through the encroachment of built development.

Other considerations

11. I have not been provided with any plans or the decision notice relating to the outbuilding in the 2015 permission, but note that the size of that outbuilding would be in-between the size of the two outbuildings and the size of the appeal

outbuilding. The Council indicate that the 2015 permission was approved on the basis that the outbuilding would be a replacement building not materially larger than the two it would replace and in the same use, rather than assessing it as an extension to the dwellinghouse as they and I have done in the case of this appeal scheme.

12. The appellant argues that the appeal outbuilding is not much larger than the 2015 permission, but the fact remains that it is larger than the two separate outbuildings as well as the 2015 permission and therefore has a greater effect on the openness of the Green Belt. Therefore, I can only give this other consideration very little weight.
13. I note that the appellant did not intend to build the appeal outbuilding larger than the 2015 permission and has sought to regularise the situation by submitted a revised planning application. However, this does not diminish the effects of the appeal outbuilding in terms of the Green Belt and so attributes very little weight as an other consideration.

Conclusion

14. Paragraph 87 of the NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, while the proposed development would only result in minor harm to the openness of the Green Belt, paragraph 88 of the NPPF makes clear that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
15. As explained above, I give very little weight to the other considerations mentioned in support of the proposal, and so they do not clearly outweigh the harm the proposed development would cause.
16. Consequently, very special circumstances do not exist to justify the proposed development. Thus, it would not accord with Policies GBC1 or ENV5 of the Local Plan or the aims of the NPPF. For the above reasons, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR