

Appeal Decision

Site visit made on 17 May 2017

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 01 June 2017

Appeal Ref: APP/J1535/D/17/3172307

The Mount, Epping Road, Roydon, Harlow CM19 5HT

- 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 and Mrs D & E Davison against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0071/17, dated 6 January 2017, was refused by notice dated 7 March 2017.
 - The development proposed is a first floor side extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The applicants' name is stated on the application form to be Nicholson but the appeal has been progressed in the name of Davison which has been adopted in this decision.

Main Issues

3. It is considered that the main issues are:
 - (a) Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - (b) The effect of the development on the openness of the Green Belt and the purposes for including land within it;
 - (c) The effect of the development on the visual amenity of the Green Belt and the character and appearance of the surrounding area; and
 - (d) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
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Reasons

Whether the proposal would be inappropriate development for the purposes of the Framework and development plan policy

4. The appeal building comprises a detached dwelling situated within an extensive landscaped curtilage containing several outbuildings of varying sizes and designs. The property is not included within the built-up area of Roydon. According to both the Council and the appellant the property has been extended and these additions were noted during the site visit. However, in the absence of any details about the dismissed appeal for a rear extension no account can be taken of this previous scheme. This appeal scheme has been assessed on its own merits based upon current planning policies and guidance.
5. The Framework, which is a material consideration, refers to the alteration or extension of a building as not being inappropriate development in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. Seeking to restrict the scale of additions to buildings is echoed in Policy GB2A of the Epping Forest District Local Plan and Alterations (LP) albeit it refers to limited extensions to existing dwellings which is inconsistent with the Framework's approach. By reason of the Framework being the most up-to-date expression of national policy for Green Belts, I have assessed this appeal scheme on the basis of whether there would be disproportionate additions to the original building. What is a disproportionate addition to an original building is not defined in the Framework.
6. The proposed development includes a first floor extension located above a single storey side addition. The Council has assessed that, cumulatively with other alterations, the proposed extension would increase the size of the original building by around 95%. The appellant has not challenged this cumulative increase and there are no reasons for me to disagree with the Council's assessment.
7. By reason of scale, the proposed development would be a disproportionate addition to the original property and it is, therefore, concluded that it would be inappropriate development in the Green Belt and, as such, it would conflict with the Framework. Paragraphs 87 and 88 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that substantial weight should be attached to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The question of any other harm and the other matters in this case are now considered.

The effect of the development on the openness of the Green Belt and the purposes for including land within it

8. Paragraph 79 of the Framework states that one of the essential characteristics of Green Belts is their openness. The proposed extension would increase the bulk of the property at first and roof levels and, although limited, the enlarged property would be seen from viewpoints along the public right of way to the north. For this reason, it is concluded that there would be an adverse effect on

the openness of the Green Belt but the degree of harm would be limited. There would, however, be no conflict with LP Policy GB7A because the proposed development would not have an excessive adverse impact on the openness of the Green Belt.

9. By reason of the appeal scheme both not increasing the footprint of the existing property and being contained within the residential curtilage, it is concluded that the proposed extension would not conflict with the purposes of the Green Belt as identified at paragraph 80 of the Framework, in particular safeguarding the countryside from encroachment.

The effect of the development on the visual amenity of the Green Belt and the character and appearance of the surrounding area

10. Although not included within the built-up area of Roydon, there is residential development to the east and south of the property. As already noted, the property is located within an extensive landscaped curtilage. However, the openness of this extensive curtilage is closer in character to the open and verdant fields to the north. To the north there is a public right of way from which there are some limited views of the upper parts of the existing property.
11. From the available viewpoints, the siting of the proposed extension above an existing addition, together with its sympathetic design and choice of materials integrating with the host property, would not result in a prominent or conspicuous form of development that would be materially detrimental to the visual amenity of the Green Belt. Further, and for the same reasons, there would be no harm caused to the character and appearance of the landscaped garden and the open and verdant character of the adjoining fields.
12. Accordingly, it is concluded that the proposed development would not cause unacceptable harm to the visual amenity of the Green Belt and the character and appearance of the surrounding area and, as such, it would not conflict with LP Policy GB7A concerning development not having an excessive adverse impact upon the rural character or visual amenity of the Green Belt.

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

13. The appeal scheme has been judged to not cause harm to the purposes and visual amenity of the Green Belt. However, these matters merely result in there being no additional harm to that arising from the inappropriate development and the weight attached to them needs to be tempered accordingly. Therefore, moderate weight has been attached to these matters.
14. The qualitative matters raised by the appellant associated with the lack of any increase in the footprint of the property, the design of the proposed extension and the resulting dwelling not being a conspicuous form of development have already been assessed. Although they have already been assessed, moderate weight is still attached to these matters.
15. The appellant has identified that a field to the north has been assessed by the Council in terms of its contribution to the Green Belt and its potential to

accommodate development as part of the emerging local plan. However, this matter does not alter the current location of the property within the Green Belt and there can be no certainty the adjoining field will be removed from the Green Belt. Limited weight has been given to this matter in the determination of this appeal.

16. I have noted the planning history of the property, including the issuing of Lawful Development Certificates by the Council. However, as has been noted, this appeal has been assessed on its own merits based upon current planning policies and guidance.

Conclusion

17. These other considerations, even when taken together, do not clearly outweigh the harm by reason of inappropriateness, the limited harm to the openness of the Green Belt and the conflict with national policy. Accordingly, it is concluded that the very special circumstances required to justify the development do not exist and, taking into account all other matters, this appeal should fail.

D J Barnes

INSPECTOR