



Appeal Decision

Site visit made on 30 July 2019

By H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2019

Appeal Ref: APP/J1535/D/19/3231519

Croft Cottage, Tylers Road, Roydon, HARLOW, CM19 5LJ

- 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 Mrs J Fisk against the decision of Epping Forest District Council.
 - The application Ref. EPF/0885/19, dated 2 April 2019, was refused by notice dated 30 May 2019.
 - The development proposed is described as 'first floor rear and side extension and internal alterations (revised scheme following approval - LPA Ref: EPF/3353/18)'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed, so I have used the one given in the original application.
3. The Council has confirmed that Policy GB14A of the Epping Forest District Local Plan 1998 with Alterations (LP), referred to in LP Policy GB2A, and by the appellant, is no longer in force.

Main Issues

4. The main issues are (1) whether the proposal would be inappropriate development within the Green Belt (GB) for the purposes of planning policy set out in the National Planning Policy Framework (the Framework) and the development plan; (2) the effect on the openness of the GB; (3) the effect on the character and appearance of the property and the Nazeing and South Roydon Conservation Area; and (4) 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.

Reasons

Whether Inappropriate Development

5. The Framework confirms that the extension or alteration of a building is not inappropriate in the GB provided that it does not result in disproportionate additions over and above the size of the original building, which is defined in the glossary as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. LP Policy GB2A pre-dates the Framework by some margin and is more restrictive than the current national document in so far as it refers to 'limited' extensions to dwellings. However, I have given it weight in so far as it seeks to prevent development proposals which conflict with the objectives of the GB.
6. The Council's delegated report details the planning history of the appeal property and notes that the original dwelling was a one-bay cottage. It is evident that the property has been extended to the side and rear, and this reflects the planning permissions referenced in the Council's report. The appellant does not dispute the Council's calculations in respect of the original property, but notes that the Council has not taken account of the proposed demolition of existing elements, and has also over stated the size of the proposed rear extension (being smaller in footprint than the ground floor). I note that the elements to be demolished were not part of the original building.
7. Whilst the proposed increase in floor space and volume is one measure to assess 'disproportionate' it is also necessary to consider the visual effect of the proposal. In this case, the proposal would add a sizeable addition that would materially increase the actual and perceived depth and bulk of the property. Considered alongside the remaining elements of the previous extensions, the scale of the proposal would be significant relative to the floor space and volume of the original dwelling. Cumulatively, the additions would be disproportionate to the original dwelling.
8. I therefore conclude that the proposal would be inappropriate development that is, by definition, harmful to the GB. This would conflict with the aims of the Framework and LP Policy GB2A. In accordance with paragraph 144 of the Framework, this harm would have substantial weight. The Council has made reference to Policy DM4 of the Submission Version of the Local Plan 2017 (SVLP), which although not adopted policy reflects the Framework.

Effect on Openness

9. Planning permission has been granted for a side extension to the property¹, and this element would affect the sense of openness to a degree, albeit there are design benefits to the semi-detached pair of which the appeal property forms part which would justify such impact. The proposed element to the rear would be built above part of an existing extension, and were the approved side extension to be built it would offer partial screening. However, the combined extension would nevertheless be visible across the open access area of the neighbouring property to the south-west.
10. The cumulative effect of the proposal would be to increase the visual bulk of the building, thereby reducing the openness of the GB at this point, albeit I

¹ EPF/3353/18 – first-floor side extension involving a hip to gable roof extension, pitched roof over, front canopy, and alterations to the front and side of the property – granted.

accept that the proposal would have limited impact on the wider landscape. I therefore conclude that the proposal would be harmful to the GB by reason of inappropriate development, but that there would be additional harm arising from the effect of an extension of the size and scale proposed on its openness, contrary to the aims of the Framework and LP Policy GB2A.

Effect on Appeal Property and Conservation Area

11. The appeal property is located in the Nazeing and South Roydon Conservation Area (CA), which encompasses a significant rural area. However, whilst I note the appellant's view that the row of houses of which Croft Cottage is part have no bearing upon the fundamental significance of the designated heritage asset, each property makes its own contribution to the character and appearance of the CA.
12. I accept that the effect of the proposal would be localised, but as noted by the appellant there is a statutory duty for decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The proposed side extension, for which planning permission has already been granted, would enhance the building. However, the scale of this combined with the proposed rear extension would overwhelm the original dwelling, and in so doing would neither preserve nor enhance the character and appearance of the property or the CA. The rear extension in particular would appear excessively wide on the property, and combined with its depth this would create an unduly dominant addition that would be out of keeping with the original proportions of the building.
13. I appreciate that the existing flat-roofed rear extension is not a positive feature to the property, but its replacement by an extension of the scale and form proposed would not be an enhancement.
14. Whilst this harm would be less than substantial in the context of paragraph 196 of the Framework, no public benefits have been advanced which would outweigh this harm.
15. I therefore conclude that the proposal would detract from the character and appearance of the appeal property, and would not preserve or enhance that of the conservation area, in conflict with LP Policies HC6 and HC7, which together seek developments of high standard and sympathetic to the character and appearance of a conservation area in matters including scale and massing; and with the aims of LP Policy DBE10 which requires residential extensions to complement, and where appropriate, enhance the street scene, the existing building and GB by close attention to matters including scale, form, detail, and elevations. I have had regard to SVLP Policies DM7 and DM9 in so far as they are consistent with the aims of the Framework.

Other Matters

16. The Framework advises that inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances. It confirms that substantial weight should be given to any harm to the GB, and that 'very special circumstances' will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. I now turn to the arguments made in favour of the proposal.

17. The appellant advises that the proposal would not conflict with any of the five purposes of Green Belts set out in paragraph 134 of the Framework. Whilst this may be so, it would nevertheless constitute inappropriate development. As such, this factor has limited weight.
18. The appellant advises that the proposal would involve the loss of only 25.6 sqm. of air space above the existing single storey rear extension. However, the starting point for any assessment is the size of the original building, as opposed to the building as it exists at present. This argument therefore has limited weight in the assessment.
19. I share the appellant's view that the GB at this point is interspersed with housing, large commercial development and extensive arrays of glasshouses, and that the effect on the openness of the wider GB would be limited, but this does not override the harm by definition of disproportionate additions to buildings.
20. The extant planning permission for a side extension is a factor of some weight, in so far as the character and appearance of the building would alter upon its implementation. However, whilst there would be a material design benefit in re-introducing balance to the semi-detached pair of which this property forms part, this is not dependent on the inclusion of a rear extension. By adding a first-floor rear extension, the proposal would be excessively large for the original dwelling, and I do not share the appellant's view that this element would be harmonious to the rear elevation, or that it would significantly improve the overall character and appearance of the dwelling. This factor therefore offers little weight in the planning balance.
21. The appellant considers that the proposal would enhance the character and appearance of the CA. This is addressed above, and for the reasons outlined offers little support to the proposal.

Green Belt Balancing Exercise and Conclusion

22. Having balanced the various matters individually and together, other considerations do not clearly outweigh the harm to the GB by reason of inappropriateness, and any other harm, and the conflict with national and local planning policy. The very special circumstances necessary to justify the development do not exist, and I conclude that the appeal should be dismissed.

H Lock

INSPECTOR