



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: 16 August 2019

Appeal Ref: APP/J1535/D/19/3230182

Envilles Farm, Abbess Road, Little Laver, ONGAR, Essex, CM5 0JH

- 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 Christopher Read & Mrs Catherine Read against the decision of Epping Forest District Council.
 - The application Ref. PL/EPF/0129/19, dated 14 January 2019, was refused by notice dated 13 March 2019.
 - The development proposed is single storey rear extension with a covered canopy to the side and an extension to the side of the cart lodge.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 appeal property; (3) the effect on the openness of the GB; 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 & Effect on the Appeal Property

3. 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. Policy GB2A of the Epping Forest District Local Plan 1998 with Alterations 2006 (LP) pre-dates the Framework by some margin and is more restrictive than the current national document in that it refers to "a limited extension to an existing dwelling". However, I have given it weight in so far as it seeks to prevent development proposals which conflict with the objectives of the GB.
4. The parties agree that the main dwelling has not been extended since its construction around 1890. However, there is disagreement over the extent by

which the property would increase in footprint and volume as a result of the proposal. The appellants' calculations appear to be based on the internal (rather than external) dimensions of the proposed rear extension, whereas the Council appears to have also included the space created by the canopy, the existing cart lodge, and its proposed extension.

5. I acknowledge that the cart lodge is a modern building but it is detached from the main house by some distance. The Council has not identified any policy basis for a detached outbuilding to be regarded as an extension to the main dwelling. I consider that the dwelling and cart lodge are separate buildings, and within the context of paragraph 145 c) of the Framework both could be extended. This would be subject to any extension not being disproportionate to the size of the original building to which it would be attached.
6. In this context, I consider that the Council has overestimated the proposed increase in floorspace and volume, whereas the appellants' assessment does not fully reflect the extent of the addition to the dwelling.
7. However, my assessment is not determined solely by a numerical increase in floor space and volume, as this is just one measure to assess 'disproportionate', and it is also necessary to consider the visual effect of the proposal. In this case, the proposed rear extension would add a sizeable addition that would materially increase the actual and perceived depth and bulk of the property. The visual impact of the proposal would be exacerbated by the excessive height of the extension and the additional volume of the canopy that would project beyond the side wall of the house. The proposal would conflict with LP Policy DBE10, which amongst other criteria requires an extension to complement and, where appropriate, enhance the appearance of the GB with close attention to matters including scale, form and roof treatment. This conflict supports my assessment that the proposal would be disproportionate.
8. With regard to the extension to the cart lodge, this would be a modest addition in terms of size but also modest in its visual impact on the site and the GB. Having regard to the Framework, it would not constitute a disproportionate addition over and above the size of the original building to which it would be attached. This element would not be inappropriate development.
9. I therefore conclude that the proposed rear extension would be disproportionate to the original dwelling, and that it 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, and LP Policy DBE10. In accordance with paragraph 144 of the Framework, this harm would have substantial weight. I have had regard to Policies DM4 and DM10 of the Submission Version of the Local Plan 2017 (SVLP), which although not adopted reflect the policies of the Framework.
10. I have found no conflict with LP Policy DBE1 as this appears to relate to the construction of new buildings but that does not alter my conclusion on this point.

Effect on Openness

11. The proposed rear extension would be constructed on a part of the site that is currently devoid of built form, and as a result of its footprint, height and siting, it would add to the perceived mass of the dwelling. As such the increase in the

size of the building would reduce the openness of the GB at this point, although I accept that it would have limited impact on the wider landscape.

12. I therefore conclude that the proposed rear extension 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.

Other Matters

13. 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.
14. The appellants advise that the proposal would increase the internal floor area of the building by 23%. This is addressed above and for the reasons given it is not considered to be a factor that offers significant weight to the proposal.
15. Planning permission was granted on 18 July 2019 for the "construction of single storey rear extension with a covered canopy to the side and an extension to the side of the cart lodge (revised application to EPF/0129/19)", and this offers the appellants an alternative fallback position. However, whilst the approved development has the same footprint as the proposal, the roof form and height of the rear addition are materially different. I acknowledge that it would not be feasible to provide a room in the roof space, but the extension in this appeal would nevertheless have an overly high and imposing ridge height for a single storey addition. Its partly gabled form would add considerable bulk and mass to the roof. As such, although the extant planning permission supports the principle of an extension of the floor area proposed, it offers limited support to this particular form. However, the grant of planning permission supports the cart lodge addition.
16. Again, the exercise of Permitted Development (PD) rights supports an extension of the floor area proposed, but the proposed ridge height would be materially higher than the fallback offered by a PD scheme. As such, this provides only modest support to the proposal.
17. The height and roof pitch of the existing dwelling are acknowledged, including the internal room heights. However, as evidenced by a single storey element on the eastern side of the property, it is possible to create a steeply pitched roof in keeping with the dwelling without the eaves and ridge heights involved in the proposal. It is partly the generous footprint of the proposed extension which has determined the ridge height. Moreover, in my opinion, the rear extension would be quite distinct in its design and form from the main house, and therefore able to accommodate a change in roof pitch.
18. It is noted that the main roof of the dwelling has a mix of hips and gables in its design. However, the gabled wings of the existing building are narrower than the gable end of the proposal, and appear less dominant on the host property. I therefore ascribe limited weight to this factor.

19. The appellants consider that the Council's decision was based on inaccurate information and calculations, including errors on the dimensions of the extension, the PD rights relating to the property and the previous site history. However, as I have considered the proposal on its own merits on the basis of the information provided by both parties this is not a factor of weight in this decision. In any case, as explained above, aside from the specific increase in floor space and volume, I consider that the additional height and bulk of the roof of the appeal proposal would translate into a much more imposing addition, with a consequent effect on the GB.
20. I appreciate that the glazed gable end was designed to let in sunlight, but this could also be achieved with the use of roof lights and windows in the extension. This is not therefore a factor of weight.
21. Although referred to by the parties, limited details have been supplied of the appeal dismissal in respect of application EPF/1531/99 for a two storey rear extension and conservatory. However, from the available information, I share the appellants' view that this is not relevant to the proposal, and I have determined this scheme on its own merits.
22. The appellants advise that the plot is surrounded by hedges and trees and that the proposal would hardly be visible from any of the surrounding areas, being shielded by the existing dwelling and outbuildings. However, as openness has a spatial as well as a visual aspect, the absence of visual intrusion does not in itself mean that there is no impact on the openness of the GB as a result. Moreover, at the appeal site visit it was evident that the planting to the driveway would not fully screen the proposal, particularly as part of the proposed canopy would project beyond the side wall of the dwelling.
23. The appellants advise that extensions that increase the size of a dwelling by 40-50% are considered acceptable in GB terms. However, no policy basis for this assertion has been supplied, but as indicated above a percentage increase is only one measure of assessing the impact of a development on the GB, and therefore is a factor of limited weight.
24. The lack of objections from any neighbouring residents or other parties is noted, but offers only limited weight to the proposal.

Green Belt Balancing Exercise and Conclusion

25. 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