
Appeal Decision

Site visit made on 19 August 2019

by J L Cheesley BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2019

Appeal Ref: APP/J1535/D/19/3232450

Mousetrap, Rats Lane, Loughton IG10 4AQ

- 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 E Van Niekerk against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/3280/18 was refused by notice dated 15 April 2019.
 - The development proposed is first floor extension to replace existing chalet style loft extension with first floor rear balcony and side facing first floor windows.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be:

whether the proposal would amount to inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies, and if so, 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 proposal;

the effect of the proposal on the openness of the Green Belt;

the effect of the proposal on the living conditions of occupiers of neighbouring properties, with particular reference to outlook, overlooking and privacy; and

the effect of the loss of the bungalow on the availability of local housing choice for people with accessibility needs.

Reasons

3. The Framework explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The construction of new buildings in the Green Belt is inappropriate unless in accordance with exceptions in the Framework. One exception is the extension

or alteration to a building providing it does not result in disproportionate additions over and above the size of the original building.

4. A proposal should be determined in accordance with the development plan unless material considerations indicate otherwise. Saved Policy GB2A in the Epping Forest Local Plan and Alterations (1998 and 2006) is relevant to this appeal. At paragraph 213 the Framework states that due weight should be given to existing policies according to their degree of consistency with the Framework. In this particular instance, I consider that Policy GB2A is broadly in accordance with Green Belt policy outlined in the Framework.
5. I have been referred to emerging Policy DM4, in the Epping Forest Local Plan Submission Version (2017). This Policy may be subject to future amendment. However, I have attributed it significant weight where it accords with national Green Belt Policy.
6. The appeal dwelling is a bungalow which has previously been extended to the rear and into a loft conversion in the roof space. The proposal includes a first floor extension to replace the existing chalet style loft conversion and a second floor loft storage area.
7. The Council has stated that cumulative additions, including the previous extension and loft conversion, would amount to over a 200% increase upon the original floor space. The appellant has disputed this figure. Instead, the appellant has stated that the cumulative additions would represent an increase of 115% over and above the volume of the original dwelling. I am not in a position to verify either figure, but it is clear that even just taking into consideration the proposed additional height and bulk, that the cumulative additions would constitute disproportionate additions to the original dwelling. Therefore, I consider the proposal would be inappropriate development, which the Framework states is, by definition, harmful to the Green Belt.
8. Added to the harm of being inappropriate development is the impact that the proposal would have in diminishing the sense of openness of this part of the Green Belt. The proposal would add further significant domestic built form to this setting within a group of dwellings. Whilst the properties are in close proximity to each other, the low height of the existing appeal bungalow does create some sense of openness. The increase in height and bulk at first floor level would diminish this sense of openness.

Living Conditions

9. At my site visit, I was able to see the existing amount of overlooking towards neighbouring properties. The proposed extension would have a number of side facing bedroom windows in the first floor. I note the appellant has suggested the imposition of a condition requiring all but one of the side windows to be obscure glazed fixed shut up to a height of 1.7 metres to overcome any overlooking concerns. I consider such a condition would be reasonable and necessary. Where these side windows are to a bedroom, they are mostly secondary windows. The remaining window would be to the proposed smaller bedroom. The proposed window would be in a similar position to an existing side dormer window. I have seen the view towards the neighbouring property 'Soundings' from that window and do not consider that the proposed new window in that position would cause unacceptable additional overlooking or loss of privacy to the neighbours.

10. As regard overlooking from the proposed rear balcony, I consider this would be limited due to existing vegetation screening and that the rear gardens of neighbours are angled away from the rear of the appeal dwelling.
11. The appeal property is sited forward of the neighbouring property 'Soundings'. From my observations, due to the proposed increase in height and bulk of the appeal property, I consider that it would unacceptably adversely affect outlook to the front aspect of Soundings. The proposal would appear as an overly dominant addition that would have a detrimental effect on the living conditions of these neighbours.
12. For the reasons stated above, whilst the proposal would not cause unacceptable overlooking, I conclude on this issue that it would have an adverse effect on the living conditions of neighbours due to its visual impact. Thus, the proposal would be contrary to saved Local Plan Policy DBE9, where it seeks to protect residential amenity. I consider this policy to be broadly consistent with the Framework where the Framework seeks to protect residential amenity.

Loss of a Bungalow

13. Emerging Policy H1 in the Epping Forest District Local Plan, Submission Version 2017 resists the loss of bungalows and specialist accommodation. The emerging Plan identifies a need for accessible housing in the District and states that these needs can be supported by bungalow accommodation. Whilst the Policy may be subject to further modification, I have given significant weight as a material consideration to the identified need for such accommodation.
14. There are a number of steps between ground floor rooms as the site slopes significantly to the rear. The property is situated in a rural location not well served by public transport and services. For the above reasons, I consider that the existing dwelling has limited potential to assist in providing accessible housing. The loss of the chalet bungalow would not have a significant adverse effect on the availability of local housing choice for people with accessibility needs. Therefore, the loss of this chalet bungalow would not undermine the objectives of emerging Policy H1 in this respect.

Other Considerations

15. The appellant has stated that under previous Local Plan policy larger extensions have been allowed in this area than might have been elsewhere and has cited some examples. In addition, examples of new dwellings and a replacement dwelling have been provided.
16. I have been referred to an Appeal Decision Ref APP/T2350/W/16/3164118 with regard to demolition and limited infill. I have been provided with a number of examples of extensions to dwellings on infill plots. I note the fall-back position regarding the possibility that the appeal premises could be demolished and rebuilt. Whilst this is a material consideration, I have no clear indication of the scale and design of a proposed replacement dwelling.
17. The many examples give an indication of other forms of development that have been found to be acceptable. I have determined the proposal on its individual merits, taking into consideration the particular location of the site and the particular design proposal. For the above reasons, I have attributed some

limited weight to the examples and fall-back position in my determination of this appeal.

Conclusion

18. In reaching my conclusion, I have had regard to all matters raised. I have found that the loss of the chalet bungalow would not have a significant adverse effect on the availability of local housing choice for people with accessibility needs. I have found that overlooking concerns could be overcome by the imposition of a suitable condition. I have attributed some weight to these matters in my determination of this appeal.
19. It is necessary to determine whether there are other considerations which clearly outweigh the harm to the Green Belt, and any other harm, hereby justifying the proposal on the basis of very special circumstances. For the reasons stated above, in my opinion the considerations advanced in support of the proposal do not clearly outweigh the harm it would cause to the Green Belt or to the visual impact of the proposal on neighbours. In conclusion, I am of the opinion that there are no material factors that would amount to the very special circumstances needed to clearly outweigh the presumption against inappropriate development in the Green Belt. Thus, the proposal would be contrary to Local Plan Policies GB2A and DBE9 and emerging Policy DM4.

J L Cheesley

INSPECTOR