
Appeal Decision

Site visit made on 8 October 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th November 2019

Appeal Ref: APP/Q5300/W/19/3233278
301 The Ridgeway, Enfield EN2 8AL

- 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 Colin Allison against the decision of the Council of the London Borough of Enfield.
 - The application Ref 17/04704/FUL, dated 18 September 2017, was refused by notice dated 16 January 2019.
 - The development proposed is erection of a single replacement dwelling following demolition of existing dwelling and outbuilding.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. It is apparent from the Council's officer report and the evidence submitted with this appeal that the Council found conflict with Policy 7.16 of the London Plan, as opposed to Policy 7.16 of the Development Management Policies which is referred to in one of the reasons for refusal. I have determined the appeal on this basis.

Main Issues

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

Reasons

Whether inappropriate development

4. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework makes it clear that new

buildings are inappropriate in the Green Belt. However, an exception is made in the case of the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

5. The appellant states that the replacement dwelling would comprise a total footprint of 182m² which would be lower than the 193m² footprint associated with the existing dwelling and associated outbuildings. The Council do not dispute that the proposal would result in a 5% reduction in overall volume and a 20% reduction in floor area in comparison with the existing. Furthermore, the total area of new walls would be substantially less than the total wall area associated with the existing buildings.
6. There is no detailed definition of 'materially larger' contained in the Framework, Core Policy 33 of the Enfield Council Core Strategy 2010 (the Core Strategy), or Policy 7.16 of the London Plan 2016 (the London Plan), against which the Council refused planning permission. Therefore, consideration of this point is a matter of judgment based on the circumstances of each case.
7. In this regard, whilst floorspace and/or volume calculations can be used to determine whether or not a proposal would be materially larger than existing buildings, it is also important to consider the visual increase in comparison with the existing buildings, taking into account the nature of the site and the precise nature of the proposal, which I have done here.
8. The proposal would result in a more consolidated development form with a higher roof ridge and eaves, so would appear much taller than the existing dwelling and outbuildings. Even though the existing dwelling includes dormer windows within the roof space which have increased the height and bulk of the original dwelling, the prominent gable roof forms associated with the proposed dwelling, along with its overall height and width, would result in a detached house with a more voluminous appearance and overall bulk in comparison with the sprawling layout and modest proportions of the existing dwelling and outbuildings. Accordingly, and taking into account the observations I made on site, and the quantitative evidence before me, the size of the proposed dwelling would be materially larger than the combined scale of the dwelling and outbuildings it would replace.
9. For the foregoing reasons the proposal would comprise inappropriate development in the Green Belt that would, by definition, be harmful to the Green Belt. It would fail to meet the exceptions set out in paragraph 145 of the Framework. Consequently, there would also be conflict with Core Policy 33 of the Core Strategy and Policy 7.16 of the London Plan which reinforces the Framework's stance that inappropriate development is harmful to the Green Belt.

Openness

10. Paragraph 133 of the Framework states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence.
11. When viewed from the open countryside to the rear of the appeal site, and from the street, the front and rear projecting gable roof elements and the overall bulk and mass associated with the additional built form proposed at first

floor level would reduce the openness of the Green Belt in comparison with the existing buildings.

12. I accept that the demolition of existing outbuildings and overall reduction in volume would mean some areas of the site would be more open than they are at present. I also saw on my site visit several properties located on the opposite side of the road which, according to the submitted plans, have a maximum ridge height in excess of the ridge height associated with the proposed dwelling. Furthermore, the site frontage lies on a lower level than the road and is generally well screened from it by an assortment of vegetation and trees. Nevertheless, the central position of the dwelling within the site, coupled with its overall scale and mass, would result in a prominent dwelling which would reduce the overall openness of the Green Belt, albeit to a modest degree in comparison with the existing.

Other considerations

13. The appellant proposes a range of environmental benefits associated with the dwelling including energy efficiency through adherence of building regulations standards and additional renewable energy measures including a ground source heat pump. It would appear that these measures would reduce CO2 emissions by at least 30% in comparison with the existing. However, in connection with one dwelling these environmental benefits would be limited and therefore attract only modest weight in favour of the scheme.
14. A range of other benefits are proposed, including that the dwelling would create a future proofed living environment to improve well-being, reduce crime opportunities and to promote sustainable living and transport options which, in connection with a single dwelling, provide benefits of limited weight in favour.
15. The proposal would also include the planting of additional indigenous boundary hedgerows in order to encourage the introduction of wildlife corridors for a variety of species, as well as other planting to attract a range of other wildlife. I have attributed limited weight to this in favour of the scheme.
16. It is also put to me that the design of the dwelling would enhance the area and countryside environment. This is also a matter which carries limited weight in favour of the proposal.
17. I am told by the appellant that a range of extensions and alterations to the existing appeal buildings have been built, as they were permitted under the GPDO¹. It is alleged that the Council did not take these into account properly, instead relying on the conclusions set out in a dismissed appeal decision² on the appeal site, which was determined at a time when the extensions and alterations had not been built. Even though I do not know the specific details of the extensions and alterations that have been built since the previous appeal was decided, I have considered the existing dwelling and outbuildings as they currently exist, and I note that the previous appeal was dismissed on the basis that it was a materially larger building. Whilst the circumstances have changed in that the existing building has been extended, I consider that the proposed

¹ Article 3, Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended (the GPDO)

² Appeal reference - APP/Q5300/A/13/2197898 - demolition of existing dwellinghouse and erection of replacement dwellinghouse

building would still be materially larger, so in this respect the decisions are consistent.

18. I appreciate that permitted development rights could be removed if I was minded to allow this appeal, thus ensuring that further extensions could not be built without planning permission. However, this would not compensate for the harm I have identified to the Green Belt on the basis of the dwelling as it is currently proposed.
19. The appellant has referred to a planning permission nearby for a soil bund in the Green Belt which, it is put to me, will alter the local landscape. I have not been provided with specific details of the case referred to, but my decision does not turn on it because I have assessed the proposal on its own planning merits and find harm to the Green Belt for the reasons given. I have also been provided with extracts from another appeal decision which was allowed and concerned a replacement dwelling. However, from what I can see from the evidence in front of me, this involved a different scheme with a different suite of material considerations. The same circumstances do not apply here, as the proposal would be more harmful than what has been built under permitted development. Consequently, the referenced decisions are not directly comparable and do not carry any weight in favour of the appeal scheme.
20. Concerns raised about the conduct of the Council in determining the planning application have had no bearing on the planning merits of this appeal.

Conclusion

21. The proposal would be inappropriate development in the Green Belt which is harmful by definition. According to the Framework, substantial weight should be attributed to any harm to the Green Belt. In addition, I have found modest loss to the openness of the Green Belt, which would be harmful.
22. The sustainability features carry modest weight in favour and limited weight in favour is afforded to the proposed design and layout, landscaping, biodiversity benefits and other sustainability measures. However, there are no other considerations that clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist, in conflict with the Framework, and in conflict with Core Policy 33 of the Core Strategy and Policy 7.16 of the London Plan.
23. Accordingly, I conclude that the appeal is dismissed.

Matthew Woodward

INSPECTOR