



Appeal Decision

Site visit made on 9 September 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2019

Appeal Ref: APP/J1535/W/19/3231039

1 Netherhouse Farm Cottages, Sewardstone Road, Waltham Abbey E4 7RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Stovin against the decision of Epping Forest District Council.
 - The application Ref: EPF/0290/19, dated 4 February 2019, was refused by notice dated 16 April 2019.
 - The development proposed is described as 'Proposed New Detached Outbuilding Ancillary to the Main Dwellinghouse'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the emerging Epping Forest District Local Plan is at an advanced stage, it is yet to be finalised, which limits the weight to be attached to it. The saved policies of the Epping Forest District Local Plan (1998, as altered 2006) (LP) therefore constitute the development plan for the purposes of the appeal. I will determine the appeal on this basis.

Main Issues

3. The main issues are:
 - a) whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework¹ (the Framework) and any relevant development plan policies
 - b) the effect of the proposed development on the openness of the Green Belt
 - c) whether the proposal would preserve the setting of the Netherhouse Farmhouse Grade II Listed building (LB), and
 - d) if the proposal would be inappropriate development, 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 development.

¹ Published on 19 February 2019.

Reasons

Whether inappropriate development

4. The appeal site comprises the LB, which is a two-storey detached dwellinghouse with one-storey window wing, and its garden areas. It is located within the Metropolitan Green Belt.
5. The proposed outbuilding would be within approximately 5m of the host dwellinghouse, and thus relatively close to it. The outbuilding's proposed function is storage and a workshop, in connection with the dwellinghouse. Given these factors, the proposed outbuilding would, whilst not directly connected to the dwellinghouse, effectively function as an extension to it.
6. Paragraph 145 of the Framework sets out a small number of exceptions to inappropriate development in the Green Belt. One such exception is the 'extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'. This is echoed in Policy GB2A of the LP, which requires extensions to existing dwellings in the Green Belt to be, amongst other things, limited and compliant with Policy GB14A of the LP. The latter policy requires such development to not result in disproportionate additions of more than 40% over and above the floorspace of the original building.
7. The outbuilding is proposed to be 5.189m to ridge height, 12.15m deep and 6.075m wide, which would result in an additional floorspace of just over 73.8sq.m. The Council calculates that the proposal would, together with existing extensions, result in a cumulative floor space increase, over and above that of the original dwellinghouse, of 78%. The appellants question the basis of the Council's calculation, and state that the proposal would, in itself, result in a 16% floorspace increase. However, a substantive, detailed alternative to the Council's calculation of the cumulative floor space increase is not presented.
8. The proposed outbuilding alone would be around two fifths of the footprint of the current dwellinghouse. In addition, it is evident that a substantial amount of domestic floorspace has been added to the dwelling in the form of extension and outbuildings.
9. Moreover, given its scale, height of over 5m and proximity to the LB, the proposed outbuilding would add noticeably to the accumulation of extensions and outbuildings on the site, and substantially increase the built footprint on the site. The visibility of the proposal in front of the property from Sewardstone Road and from the side of the site from the large adjacent restaurant carpark, would emphasise the additional bulk.
10. Taking the above together, I find that the proposal would result in a disproportionate cumulative floorspace increase, over and above that of the original dwellinghouse, which would be in excess of the 40% threshold in Policy GB14A - and thus required by Policy GB2A - of the LP. The appellants refer to Policy GB12A of the LP in support of the proposal. However, the policy text cited identifies it as Policy GB2A of the LP, which is engaged as described.
11. The above factors, in combination, lead me to conclude that the proposal would entail a disproportionate addition within the Green Belt. Therefore, the proposal would not fall within the exceptions listed in paragraph 145c) of the Framework. Accordingly, in this respect, the proposal would be inappropriate

development in the Green Belt and would conflict with the Framework and Policy GB2A of the LP. Together the policies require strict control over inappropriate development in the Green Belt.

Openness of the Green Belt

12. The Framework states that an essential characteristic of Green Belts is their openness and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land within them permanently open.
13. Openness has both a spatial and a visual dimension. Obviously, a building of this size would clearly, purely in terms of its footprint and volume, have an adverse spatial impact on openness.
14. Looking from Sewardstone Road down the side of the north-eastern end of the LB, the proposed outbuilding would fill the visual gap in built form between the LB, and the barn building on the adjacent site. This would block views of the rising countryside beyond, to the east. In combination with the increased bulk of the proposed outbuilding, the above would impact adversely on the openness of the site.
15. The appellants consider that the proposal would not affect the openness of the Green Belt due to its 'containment'. The appellants also consider that the proposal would not be so visually intrusive as to attract attention to itself - and thus be conspicuous so as to have an excessive adverse impact upon the openness of the Green Belt, in conflict with Policy GB7A of the LP - given the scale and prominence of existing buildings and the set-back nature of the siting of the proposed outbuilding. The appellants' view that the proposal would be visible but not intrusive to views from the road is also noted.
16. However, due to the factors I have identified, as described above, I consider that the proposed outbuilding would of sufficient scale and visibility to attract attention, and would result in harm to openness of the Green Belt. This must be regarded as some additional harm to add to the harm by reason of inappropriateness.

Effect on the significance of the LB

17. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) state that in considering whether to grant listed building consent and planning permission respectively, the decision maker 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. NPPF paragraph 190 requires an assessment of the particular significance of any heritage asset affected by a proposal, including by development affecting its setting.
18. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Legal precedent has confirmed that considerable importance and weight should be given to this requirement.
19. Policy HC10 of the LP sets out that, amongst other things, consent will not be given for works to a listed building which could detract from its architectural character and appearance.

20. The LB is a Grade II listed two-storey eighteenth century farmhouse of yellow brick and old tiled roofs, with a one-storey window wing. The significance of the heritage asset lies in its vernacular architectural style, and grouping with the barn building on the adjacent site.
21. The proposed outbuilding would be over 5m high, including an approximately 2.8m high pitched roof. The width of the outbuilding would fill the space between the north-eastern perimeter of the site and the line extending from the north-eastern facade of the LB. The combination of the proposal's height, bulk, proximity to the LB and its roof profile would have a visually cluttering effect, which would compete with and detract from the LB's importance as the primary building, viewed from the front of the property and Sewardstone Road. The height, profile, depth and bulk of the proposal would also visually compete with and detract from the importance of the LB, viewed from the adjacent carpark and restaurant to the north-east of the appeal site. The above factors, together, would result in an overly imposing effect which would be detrimental to the setting of the LB.
22. It is recognised that the set-back of the proposed outbuilding beyond the line of the rear facade of the LB would, in combination with roadside vegetation, limit some views of the proposal on the approach to the site, travelling up and down Sewardstone Road. Moreover, it is acknowledged that the LB is larger than the proposed outbuilding, and the barn building on the adjacent site would remain. I note the appellant's view that the LB would remain the dominant feature on the site. Nevertheless, for the reasons described above, I find that the proposed development would intrude on and detract from the setting of the LB. As such, it would fail to preserve the setting of the LB.
23. The identified harm arising from the proposal would be significant, relative to the site and the immediate surroundings of the LB. However, the effect would be localised and therefore would constitute 'less than substantial harm', in terms of paragraph 196, of the Framework to the significance of the LB. In such circumstances I therefore necessarily weigh the harm against the public benefits of the proposal.
24. With regard to the above, the proposal would provide storage space and a workshop for the appellants. However, that is not a public benefit. Consequently, the above harm is not outweighed by any public benefits.
25. To conclude, the proposed development would fail to preserve the setting of the LB. It would therefore conflict with Policy HC10 of the LP, which seeks to ensure that development preserves buildings of special architectural and historic interest. The policy is broadly consistent with the approach of the Framework in respect of the desirability of sustaining and enhancing the significance of heritage assets, with great weight given to the asset's conservation.

Other Matters

26. I have been referred to pre-application advice provided by the Council. However, I have considered the appeal on its planning merits, and such discussions as may have taken place between the Council and the appellant before and during the course of the application process do not alter my conclusions.

Planning balance and conclusion

27. The proposal would be inappropriate development in the Green Belt which is, by definition, harmful. There would also be loss of openness of the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt.
28. In conclusion, and on balance, the substantial weight to be given to Green Belt harm arising from the development, along with the less than substantial harm to the significance of the LB, would not be clearly outweighed by other considerations sufficiently to demonstrate very special circumstances. The proposal would therefore conflict with the Green Belt policy of Policies GB2A and GB7A of the LP, and the Framework.
29. Consequently, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

William Cooper

INSPECTOR