
Appeal Decision

Site visit made on 7 January 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2020

Appeal Ref: APP/J1535/W/19/3241073

Inzing, Harlow Road, Sheering, Harlow CM22 7NB

- 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 & Mrs D Gill against the decision of Epping Forest District Council.
 - The application Ref EPF/3031/18, dated 12 November 2018, was refused by notice dated 18 October 2019.
 - The development proposed is demolition of existing dwelling and erection of replacement four bedroom accommodation with associated landscaping and parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Within the evidence before me reference has been made to the Council's emerging Local Plan. However, whilst the Epping Forest District Local Plan Submission Version (2017) (ELP) has reached an advanced stage, no information has been provided on the examining Inspector's advice or whether there are outstanding objections to the plan. In such circumstances I can only attach moderate weight to the policies within the emerging Local Plan. I have therefore relied upon the policies within the Epping Forest District Local Plan Alterations adopted July 2006 (LP) in coming to my decision.

Main Issues

3. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area and,
 - 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 the proposal would be inappropriate development in the Green Belt

4. The appeal site is situated in the Metropolitan Green Belt. The National Planning Policy Framework ('the Framework') indicates (para 145) that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.
5. The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, is one of the listed exceptions at paragraph 145 (d). The extension or alteration of an existing building is listed at paragraph 145 (c).
6. Taking the appellants' best case that the existing dwelling has a floor area of 85 sqm, the proposed replacement dwelling would have a floor area of 224 sqm. The dwelling would be deeper, wider and higher than that which it replaces. All these factors indicate, notwithstanding the inclusion of an integral garage and some areas of limited ceiling height, that the proposed dwelling cannot reasonably be considered to be anything other than materially larger.
7. I appreciate that extensions to existing dwellings of this order of size are sometimes considered to comply with the exception of para 145 (c) of the Framework. However, this exception requires such extensions to not result in 'disproportionate additions' over and above the size of the original buildings which I consider to be a very different test from it being not 'materially larger'. Therefore, the proposed scheme does not fall within the exception of para 145 (d).
8. In not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt, which para 145 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para 144 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt. The proposal would not comply with Saved Policy GB2A of the Epping Forest District Local Plan Alterations adopted July 2006 (LP) which seeks to restrict inappropriate forms of development in the Green Belt, which is consistent with the Framework.

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

9. 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. Openness can be defined as the absence of built form. In the case before me the built form would increase significantly and would therefore, in spatial terms, have a harmful impact upon the openness of the Green Belt.
10. However, openness also has a visual aspect as well as a spatial one. I note that the appeal site sits back from the road and is located within a row of 7 residential dwellings, the majority of which are bungalows or chalet bungalows, similar to that proposed. Whilst the proposed dwelling would be visible from Back Lane, across the open countryside to the rear of the appeal site, it would be seen within the context of these existing neighbouring dwellings. It follows that the proposed dwelling would not be visually intrusive. Notwithstanding this

however, it would nonetheless have a harmful impact on openness due to its spatial characteristics.

Character and appearance

11. The appeal site is one of a small group of properties accessed off Harlow Road which are of differing designs and styles, which results in an organic form of development. As such, the group of dwellings are not uniform or symmetrical, and this contributes to the overall variety of the street scene.
12. The replacement dwelling would be of a similar size and scale to the neighbouring property of The Hollies and a similar design to that of Mulberry Cottage. I accept that there are differences displayed in the detailing of the proposed dwelling to its neighbours, including the use of a catslide feature at the rear of the dwelling. However, I consider this would contribute to the varied character of the dwellings already displayed within this small enclave of dwellings and would add to the overall design differences.
13. As I have set out above the proposed development is compatible with its surroundings and I do not consider there will be any material harm caused to the landscape. I conclude that the proposed dwelling would not result in harm to the character and appearance of the area and the development would comply with policy DBE1 of the LP which requires development to respect its setting in terms of scale, proportion and massing. For similar reasons it would accord with Policies DM 9 and DM 10 of the ELP. However, as this is not yet an adopted part of the development plan and subject to change, I afford these policies less weight.
14. The Council's decision notice refers to Policy DBE3 and CP7 of the LP. However, policy DBE3 deals with development outside the Green Belt and is therefore not relevant to this development which is within the Green Belt. Policy CP7 relates to development within urban areas and therefore I do not consider it relevant to this appeal.

Other considerations

15. I note the appellants' comments in relation to what could be added to the existing dwelling by utilising permitted development rights. This would however achieve an increase of only about 70sqm, considerably less than would be achieved from the proposed development. I therefore give this only limited weight in my deliberations.
16. I have had regard to the appeal decision which has been submitted, however that site is in a different location and not within the Green Belt and is therefore not directly comparable to the appeal proposal.
17. I have ascribed weight to the proposal's effect on the character and appearance of the area. I appreciate that the Framework seeks to ensure that, in general, a more positive approach should be taken to development. However, I give this limited weight bearing in mind that it is a Core Principle of the Framework that Green Belts are protected. I recognise that there would be some economic benefit to the construction industry arising from the scheme, although I give this minimal weight as it appears to me that it would be likely to be no greater than if the dwelling were to be constructed elsewhere, outside the Green Belt.

Conclusion

18. In conclusion I have identified that the scheme would be inappropriate development in the Green Belt as defined by the Framework and result in harm to the openness of the area. It would, by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight.
19. As explained above I give only limited weight to each of the material considerations cited in support of the proposal and conclude that they do not outweigh the harm the scheme would cause.
20. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR