
Appeal Decision

Site visit made on 14 May 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th June 2020

Appeal Ref: APP/J1535/W/19/3243897

Springfield Cottage, Hamlet Hill, Roydon, Harlow CM19 5LD

- 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 and Mrs Guiseppe Schillaci against the decision of Epping Forest District Council.
 - The application Ref EPF/0497/19, dated 22 February 2019, was refused by notice dated 25 June 2019.
 - The development proposed is replacement dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs Guiseppe Schillaci against Epping Forest District Council. This application is the subject of a separate Decision.

Procedural Matters

3. Within the evidence before me reference has been made to the Council's emerging Local Plan. The Epping Forest District Local Plan Submission Version (2017) (ELP) has reached an advanced stage and information has been provided as part of the appeal on the examining Inspector's advice regarding the main modifications to the plan. I understand that no modifications have been sought to policy DM4, which is relevant to the consideration of applications within the Green Belt and therefore I have attached moderate weight to this policy. However, policy DM7 is subject to modifications and therefore can only be attributed limited weight. Therefore, where relevant, I have also referred to the policies within the Epping Forest District Local Plan Alterations adopted July 2006 (LP) in coming to my decision.

Main Issues

The main issues are:

- whether or not the proposal would be inappropriate development in the Green Belt, including the effect of the proposal on openness;
- whether the proposed development would preserve or enhance the character or appearance of the Nazeing and South Roydon Conservation 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, including the effect of the proposal on openness.

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).
6. The existing dwelling has a floor area of 126 sqm including the garage, the proposed replacement dwelling would have a floor area of 267 sqm. The volume of the existing dwelling is approximately 465 cubic metres, and the replacement dwelling would have a volume of 898 cubic metres. I accept that volume is not the only consideration in determining whether the building is materially larger, however the first floor accommodation would extend over the entire footprint of the building, with the L-shaped layout increasing the extent of development across the site. All of these factors indicate, notwithstanding the use of roof voids and some areas of limited ceiling height, that the proposed dwelling cannot reasonably be considered to be anything other than materially larger.
7. It has been put to me that the development should have also been considered under paragraph 145(g) of the NPPF, which makes provision for limited infilling or partial/complete redevelopment of previously development land. However, as the site currently accommodates a dwelling, I consider the appeal falls to be considered under paragraph 145(d). However, if I were to accept the appellants' arguments around previously developed land, the proposal would be required to have no greater impact on the openness of the Green Belt than the existing development.
8. 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 the footprint of the development would extend further into the site, with the proposed dwelling being positioned more centrally within the plot. The development would therefore, in spatial terms, have a harmful impact upon the openness of the Green Belt.
9. 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 group of residential dwellings. The site is currently screened by extensive landscaping and even if this were to be removed in part, the replacement dwelling 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.

10. In not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt, which paragraph 145 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 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) or policy DM4 of the ELP which seek to restrict inappropriate forms of development in the Green Belt, which is consistent with the Framework.

The effect on the Nazeing and South Roydon Conservation Area

11. The appeal site is located within the Nazeing and South Roydon Conservation Area and the significance of the Conservation Area is derived from the surviving historic landscape and patterns of settlement. There is no dominant traditional form of architecture or building typology within the immediate vicinity of the site. However, the existing dwelling due to its age and vernacular appearance contributes to the character and appearance of the Conservation Area as one of only a handful of older properties within the settlement cluster.
12. However, the dwelling is suffering from structural defects and is clearly in a poor state of repair. Planning permission has already been granted for its demolition under EPF/0881/16 following the consideration of a structural Condition Survey and the demolition of the existing dwelling is not a matter of dispute between the parties.
13. The replacement dwelling by virtue of its design and appearance is unrelated to the original character of Springfield Cottage and it would appear as a modern dwelling similar to the majority of those within the cluster. This would further erode the historical context of the Conservation Area and have an adverse impact on its significance. However, noting that the character of the Conservation Area is broadly derived from the wider landscape and settlement patterns I consider that the proposed development would result in less than substantial harm to the Conservation Area.
14. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given that the proposal would be of a relatively small scale, I find the harm to the setting of the Conservation Area to be less than substantial in this instance but nevertheless of considerable importance and weight.
15. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. In this case, the proposed development would lead to the provision of a dwelling located within a sustainable location, which would support the local economy. However, these benefits would be modest and therefore, there is no public benefit sufficient to outweigh the harm.

16. I conclude that the development proposed would fail to preserve or enhance the character or appearance of the Nazeing and South Roydon Conservation Area. This would be contrary to policies HC6 and HC7 and HC9 of the LP, which require developments to be of a high standard and provide an appropriate degree of visual interest in keeping with the character of the Conservation Area.

Other considerations

17. The appellant has indicated that there are material considerations such as the fallback positions, which have been outlined in detail and comprise either the permitted scheme for the replacement of the existing dwelling, EPF/0881/16 which was approved in November 2016 (albeit the parties agree that this has lapsed) or the repair and extension of the existing dwelling.
18. I give limited weight to the appellant's suggestion that the refurbishment and extension of the existing dwelling would result in a dwelling that was materially larger than the scheme before me. As there is no extant permission to extend the dwelling, I cannot consider whether such a proposal would result in a materially greater impact on the Green Belt than the development proposed. Nor am I able to conclude on whether the scale of any extension would not result in disproportionate additions.
19. I note the appellants' comments in relation to what could be added to the existing dwelling by utilising permitted development rights. However, given the site's location within the Conservation Area which would restrict any extensions to the side and the scale of development on the rear, it would be considerably less than would be achieved from the proposed development. I therefore give the repair and extension of the existing dwelling only limited weight in my deliberations.
20. Turning to the lapsed planning permission, this clearly demonstrates how the site could be redeveloped with a property which the council consider to meet the requirements of paragraph 145 of the Framework. The appellant has indicated that the previously approved scheme does not meet the family's objective in terms of securing a replacement dwelling for him and his family and that the appeal proposal reflects the appellant's needs. As the scheme has lapsed and does not meet the appellant's needs as it only provides 2 bedrooms, as opposed to 4, it is of limited weight in my consideration.
21. However, if I were to give weight to the lapsed permission, consideration must be given to the differences between the two schemes in terms of whether the appeal proposal would be materially larger. It has been put to me that despite the lapsed permission being smaller than the appeal proposal, it does not require the removal of the garage and outbuildings and that therefore taking into account the volume of the outbuildings the volume of the lapsed scheme would be approximately 953 cubic metres. However, the appeal scheme also indicates the retention of the existing garage and therefore it would need to be taken into account in any comparison.
22. Therefore, for the avoidance of doubt I have used the Appellants' figures, set out within the appeal statement, which the Council confirms are figures based on calculations omitting the volume of the existing garage. On this basis the lapsed permission represents a 73% increase, based on the volume of the original dwelling and the proposed dwelling is a 93% increase on the original

dwelling. Therefore, whilst a 73% increase in volume has been considered acceptable, it does not follow that this should be expanded further and as such the lapsed permission does not lead me to the conclusion that permission should automatically follow for any further increase in both footprint and volume. Therefore, I have attributed little weight to the permitted scheme for the replacement of the existing dwelling.

23. It has also been put to me that the site could accommodate an additional dwelling, however this is not the proposal before me, and I have no indication as to the scale of any such proposal and whether this would be acceptable. Therefore, I have attributed little weight to this consideration.

Conclusion

24. 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. I have also found less than substantial harm to the Nazeing and South Roydon Conservation Area but nevertheless this should be given considerable importance and weight.
25. As explained above I give only limited weight to each of the material considerations cited in support of the proposal. However, I conclude these circumstances do not clearly outweigh the harm the scheme would cause.
26. 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