
Appeal Decision

Site visit made on 4 August 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2020

Appeal Ref: APP/J1535/W/20/3249708

Cedar Lodge, Mott Street, Waltham Abbey E4 7RW

- 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 Thomas Smith of Cedar Lodge SPD Ltd against the decision of Epping Forest District Council.
 - The application Ref EPF/2432/19, dated 7 October 2019, was refused by notice dated 19 December 2019.
 - The development proposed is the demolition of existing 1 no. 4-bed house and associated outbuildings and erection of 4-bed two pairs of semi-detached houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development was originally submitted for a pair of 4-bed semi-detached houses and a pair of 5-bed semi-detached houses, but this was changed during the course of the application to be for two identical pairs of 4-bed semi-detached houses. The appeal application was determined on the revised proposal and I have adopted the description of development on the decision notice which reflects this, and have assessed the proposal on this basis.
3. The Epping Forest District Local Plan Submission Version 2017 (the emerging LP) is currently under examination. The emerging LP is likely to be the subject of further modifications. The details of these and to which policies they will apply have not been provided and I must therefore assume that any policy could be the subject of further modification. I therefore place limited weight on the policies of the emerging LP.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, and the effect on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and
 - if the proposal is inappropriate development, 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 it.

Reasons

5. The site provides a detached 2-storey dwelling and large 1-storey outbuilding with associated garden. The property is vacant and in a poor state of repair. It is proposed to demolish the existing dwelling and outbuilding and to erect 2 semi-detached pairs of dwellings, part 2 and part 3-storeys in height, with associated landscaping, boundary treatments, and forecourt parking.

Inappropriate development

6. The construction of new buildings should be regarded as inappropriate in the Green Belt other than in respect to a limited range of specified exceptions, as set out in Paragraphs 145 and 146 of the National Planning Policy Framework (the Framework).
7. It is agreed between the main parties that the proposal is for the limited infilling or the partial or complete redevelopment of previously developed land, which is one of the exceptions as set out in Paragraph 145(g) of the Framework. This exception only applies if the proposal would not have a greater impact on the openness of the Green Belt than the existing development. In this regard, the proposed buildings would have a significantly greater footprint and greater bulk and mass than the existing house and outbuilding. They would occupy a significantly increased proportion of the frontage of the site fronting the road and would clearly be visible from the road and neighbouring dwellings. The proposed retention of an element of vegetation would only partially screen the proposed buildings, and to a lesser extent than the existing vegetation screens the existing buildings.
8. The proposal would therefore have a greater impact on the spatial and visual openness of the Green Belt than the existing development. I assess the degree of this harm to be moderate. I have therefore found no reason to believe that the appeal scheme would meet any of the exception criteria of either Paragraphs 145 or 146 of the Framework. Accordingly, the proposal would be inappropriate development in the Green Belt. This is reflected in emerging Policy DM4 of the emerging LP.

Character and appearance

9. The site slopes from the road towards the rear, steeply at first and less steeply at the rear. There appears to be the remnants of a hard-standing driveway to part of the frontage of the site along Mott Street, although this is heavily overgrown. The other part of the site frontage provides a number of trees and a hedgerow. The site is accessed from Mott Street, which is a fairly narrow road that is extensively lined by hedgerows and trees. A nursery lies to one side and a detached dwelling to the other side. Further residential and nursery buildings and land surround the site. The dwellings cited by the appellant further east along Mott Street are significantly distant from the site and in a different character area of the road. They do not form part of the setting of the appeal site.
10. There is no consistent character to this part of Mott Street, with a variety of dwelling and commercial buildings. The dwellings are in a variety of architectural styles and include both detached and terraced properties. There are a variety of approaches to front boundary treatments, but the majority of neighbouring dwellings, and the commercial properties, have retained

extensive hedging and trees. Despite this variety, the consistent theme of the area is for buildings to sit unobtrusively in their setting, being either set-back, partially hidden behind vegetation, relatively low, or with an articulated façade and stepped roof profiles mitigating the overall perceived bulk.

11. The proposed dwellings would be more prominent than the existing development. They would be tall, being dug into the ground, but still of a very similar overall height to the neighbouring property at Rose Cottage. They would present a wide front elevation facing onto the road, exacerbated by the gable ended roofs which would be large and prominent features, not alleviated by the relatively small dormer windows. This would be further revealed by the proposed felling of the trees and hedgerow fronting the road. They would also be bulkier than the existing and immediately surrounding dwellings.
12. The proposed forecourt parking would create large areas of hardstanding landscaping directly adjacent to the road. It is proposed to partially soften the proposed car parking areas through soft landscaping but this would remain as a small proportion of the overall front landscaped area. It is also proposed to lose substantial existing vegetation and trees to the front boundary, much in excess of the proposed replacement planting. The existing soft landscaping is an important part of this part of Mott Street and contributes positively to its character. The proposed levels of hardstanding would therefore harm the character and appearance of this element of the site.
13. Consequently, the proposal would harm the character and appearance of the area and the street scene. It therefore fails to comply with the relevant parts of Policies DBE2, DBE4, and DBE9 of the Epping Forest District Local Plan, January 1998 (the LP) and Policies CP1 and CP2 of Epping Forest District Local Plan Alterations July 2006 (the Alterations), which, amongst other criteria, seek high quality design which respects its setting, and that the visual impact of proposals does not result in the excessive loss of visual amenity to neighbours. It also fails to comply with emerging Policies DM9 and DM10 of the emerging LP which, amongst other criteria, seek high quality design. The proposal fails to comply with Chapter 12 of the Framework which, amongst other criteria, seeks high quality design.

Other Considerations and Planning Balance

14. There is an extant outline planning permission on the site for 2 new dwellings. This represents a legitimate fallback position. The outline permission is with all matters reserved. There are two indicative drawings outlining 2-storey buildings with 1-storey elements and building footprints. There is no information on building heights, scale, massing, or design of the proposed dwellings, or of the form of the semi-basement parking. The appeal buildings would have a greater footprint than that indicated for the outline buildings. They would also likely be taller because they would be 2/3-storeys in height, although this cannot be fully determined given the lack of information on the massing of the outline buildings. The outline buildings would also be controlled at the reserved matters stages to not be harmful to the Green Belt and to not have any greater effect on the openness of the Green Belt than the existing site. I therefore place limited weight on this fallback position.
15. There is a certificate of lawfulness for 1-storey side and 2-storey rear extensions to the existing dwelling. It has not been implemented but it is not unreasonable to expect that the building could be renovated and extended as

per the certificate, and this is a legitimate fallback position. However, the footprint of the proposed development would be greater than the combined footprint of the existing dwelling as extended and the existing outbuilding. The proposal would also be substantially bulkier, with 2/3-storeys of accommodation proposed, versus a house with significant 1-storey elements and a 1-storey outbuilding. The appeal scheme would therefore be more harmful to the openness of the Green Belt than this fallback position.

16. There is a further certificate of lawfulness for a 1-storey outbuilding, also not implemented. In this instance, I question whether there is a more than theoretical possibility that construction of the outbuilding would take place as it would be over-sized in relation to the host dwelling, even as extended, and the requirement for 4 garage spaces for one house that already has off-street parking is questionable. There is also already an existing outbuilding that could be used for at least some of the proposed facilities. If the proposed outbuilding is also taken into consideration, then the combined footprints of the dwelling as extended and the outbuilding would be greater than the proposal. However, because the outbuilding would only be 1-storey, and would be set back further into the site with a much lesser prominence in the street scene, the overall effect on the openness of the Green Belt would be similar to the proposal. I therefore place limited weight on this fallback position.
17. The provision of a new dwelling would provide temporary economic benefit during construction, and long-term economic benefit through the increased population and use of local services. It would also make a contribution towards the Council's housing land supply. However, these benefits would be limited because there would only be an uplift of 3 dwellings.
18. Paragraph 144 of the Framework indicates that substantial weight should be given to the harm to the Green Belt that I have identified. I also place significant weight on the harm to the character and appearance of the area. I find that the other considerations in this case do not clearly outweigh the moderate harm to the Green Belt and other harms. Consequently, the 'very special circumstances' necessary to justify the development do not exist.
19. The proposal therefore fails to comply with Paragraphs 143 and 144 of the Framework. It fails to comply with the relevant parts of Policies GB2A and GB7A of the Alterations which, amongst other criteria, resist development that would not preserve the openness of the Green Belt and that would be conspicuous from within or beyond the Green Belt. It also fails to comply with emerging Policies DM4 and SP6 of the emerging LP which, amongst other criteria, reflect the Framework in relation to inappropriate development and seek to protect the openness of the Green Belt.

Other Matter

20. The site falls within the zone identified by Natural England as being likely to result in harm to the Epping Forrest Special Area of Conservation as a result of increased leisure use, and is likely to generate an increase in traffic which would have an additional adverse effect on air quality. Had the proposal been acceptable in planning terms, it would have been necessary for me to have undertaken an Appropriate Assessment (AA) as the competent authority. However, the Conservation of Habitats and Species Regulations 2017 indicates this requirement is only necessary where the competent authority is minded to approve planning permission, so I have therefore not undertaken an AA.

Conclusion

21. For the reasons above, I conclude that the appeal be dismissed.

O S Woodward

INSPECTOR