
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: 07 September 2020

Appeal Ref: APP/J1535/W/20/3250400

Land adjacent to The Brambles, Woodgreen Road, Waltham Abbey EN9 3SD

- 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 James Allen against the decision of Epping Forest District Council.
 - The application Ref EPF/1844/19, dated 25 July 2019, was refused by notice dated 22 January 2020.
 - The development proposed is the construction of an infill new dwellinghouse of contemporary design.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a revised Site & Location Plan Ref 357-PL-01 rev A, which is nearly identical to the originally submitted drawing apart from including additional neighbouring dwellings. The Council have indicated they are happy to accept the revised drawing and there seems to be no reason why accepting this drawing should prejudice the interests of any party. I have therefore had regard to the contents of this drawing in coming to my decision.
3. A draft Unilateral Undertaking has been submitted by the appellant. However, this has not been dated or engrossed. It therefore has very limited weight.
4. The Epping Forest District Local Plan Submission Version 2017 (the emerging LP) is currently under examination. As a whole, the emerging LP is likely to be the subject of further modifications and it carries limited weight. However, the examining Inspector has written to the Council to confirm that they are not recommending any further changes to the parts of emerging Policies DM4, DM9, DM10, and SP6 which are relevant to the appeal. Consequently, although these Policies might still be the subject of further modifications, this is unlikely. I therefore place moderate weight on these emerging Policies, as they apply to the appeal proposal.

Main Issues

5. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt;
 - the effect on the openness of the Green Belt;

- whether or not the proposal would preserve or enhance the character or appearance of the Upshire Conservation 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

6. The site is an open area of grassland with some hedging, situated between a short row of dwellings along Woodgreen Road. It is proposed to erect a detached, 2-storey, house of contemporary design, predominantly using brickwork. There would be an associated hardstanding driveway, boundary fencing, bin and cycle stores, and garden areas to the side and rear. An existing public footpath running alongside the site, between the proposed building and an existing dwelling, would remain.

Inappropriate development

7. The construction of new buildings should be regarded as inappropriate in the Green Belt other than in a limited range of specified exceptions, as set out in Paragraphs 145 and 146 of the National Planning Policy Framework (the Framework). Of relevance to the appeal proposal is the exception set out in Paragraph 145(e) for limited infilling in villages. The supporting text to emerging Policy DM4 of the emerging LP provides further clarification on what is meant by 'limited infilling', defining it as development of a small gap in an otherwise built-up frontage. Policy GB2A of the Local Plan Alterations, July 2006 (the Alterations) is inconsistent with the Framework in that it does not include the limited infilling exception test, such that it carries limited weight in that regard. Consequently, I have applied the exception tests set out in the Framework.
8. The appeal site is set between existing buildings along Woodgreen Road. There are very few buildings in a row along this part of Woodgreen Road and there are other gaps between buildings. They do not therefore create an otherwise built-up frontage. This group of buildings are remote from the Upshire village centre, or any other village centres, being clearly separated from the nearest collections of buildings by fields and other countryside land. There are footpaths to the nearest centres, but these lie approximately 800 m to 1,000 m away. The overall feel of the area is of a scattering of buildings with no cohesive centre and no provision of services, that are disconnected from surrounding facilities and village centres. The site is not, therefore, within an otherwise built-up frontage or within a village, and does not represent limited infilling within a village.
9. 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 in the terms of the Framework, and emerging Policy DM4 of the emerging LP.

Openness

10. The appeal site is open land with limited vegetation growth. It is proposed to erect a 2-storey dwelling on the site as well as associated boundary walls, bin and cycle stores, and decking. The site is visible from the road, many neighbouring dwellings, and also a public footpath that runs alongside one of the boundaries of the site. Although gaps would be maintained to either side of the proposed building, allowing for some views through the site to the open land to the rear, the

proposed building would introduce built form onto an existing open site. The proposal would therefore harm both spatial and visual openness.

11. The proposal therefore fails to comply with the Framework, and with the relevant parts of Policy GB7A of the Alterations which, amongst other criteria, seeks to refuse permission for development which would have an excessive adverse impact on the openness of the Green Belt. It would also fail to comply with the relevant parts of emerging Policy SP6 of the emerging LP which, amongst other criteria, seeks to protect the openness of the Green Belt from inappropriate development.

Character and appearance

12. The site lies in the Upshire Conservation Area. This part of the conservation area derives its significance from a combination of a small cluster of buildings of varying architectural styles and sizes, and areas of more rural character with fields and some areas of fairly extensive tree growth. However, the appeal site only has a small amount of existing vegetation and is a relatively small gap in-between existing dwellings. It therefore only provides limited verdant or rural character.
13. The proposed dwelling would be of a similar scale and bulk to the larger of the existing dwellings along this part of Woodgreen Road. The proposed 'T' shape footprint would create a wider building than common to the area. However, the footprint helps to architecturally bridge the gap between the buildings to either side, successfully addressing the corner of Woodgreen Road. The 'T' shape would also help to break up the massing of the proposed house, including as viewed from the road. The elevation facing onto the public footpath would be broken up by a lightwell and a 1-storey element to the rear. Its overall bulk, mass, and layout would be in-keeping with the area and the street scene.
14. The proposed architectural style is modern, which is an appropriate approach in an area of mixed existing architectural styles. The feature brickwork detailing would add depth and texture to the front façade, and the angled slope of one of these panels would accentuate this. The stepped profile of the building and the metal perforated panels to the proposed courtyard boundary wall would also help to articulate this facade. Several existing properties have either hardstanding front gardens or access roads, with limited planting. In this context, the hardstanding proposed to the front garden/driveway, with an element of hedging to be retained, would be in-keeping with the area.
15. Consequently, the proposal would preserve the character or appearance of the Upshire Conservation Area. The proposal therefore complies with the relevant parts of Policies DBE1, DBE2, and DBE9 of the Epping Forest District Local Plan, January 1998 (the LP) which, amongst other criteria, require that new buildings respect their setting and are in-keeping with the character of the area. It also complies with Policies DM9 and DM10 of the emerging LP which, amongst other criteria, seek high quality design in new housing development. The proposal complies with Chapters 12 and 16 of the Framework which, amongst other criteria, seek high quality design and the conservation of the historic environment.
16. I note that Policy DBE4 of the LP requires that new buildings in the Green Belt respect their wider landscape setting and that their plan form and detailing respects the local character. This is inconsistent with the Framework specifically in relation to the consideration of proposals in the Green Belt. However, it is consistent with Chapter 12 of the Framework, which, amongst other criteria, seeks high quality design. The proposal therefore complies with the relevant parts of this Policy.

Other Considerations and Planning Balance

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, the benefits arising from the single dwelling proposed would be modest.
18. The appellant has also proposed a net gain in biodiversity, a low carbon design close to, but not meeting, passivhaus standards, construction of the dwelling to accessible and adaptable standards, and to only allow electric vehicles to access the property. These factors weigh in favour of the proposal. However, limited detailed information has been provided for any of them. The extent of biodiversity net gain has not been established, no firm commitment has been made to securing low carbon design in excess of policy standards, the provision of an accessible and adaptable building is a benefit of many new dwellings, and it would be difficult, if not impossible, to enforce the use of electric vehicles.
19. The proposal would preserve the character and appearance of the area, and the character or appearance of the Upshire Conservation Area. This weighs neutrally in the planning balance.
20. Paragraph 144 of the revised Framework indicates that substantial weight should be given to the harm to the Green Belt through the inappropriate development and harm to openness that I have identified. I find that the other considerations in this case do not clearly outweigh the moderate harm to the Green Belt. Consequently, the 'very special circumstances' necessary to justify the development do not exist. Overall, the proposal fails to comply with the relevant parts of Policy GB7A of the Alterations. It also fails to comply with the relevant parts of emerging Policies SP6 and DM4 of the emerging LP.
21. The Council have not demonstrated that they can provide a 5-year supply of deliverable housing sites. However, the application of policies in the Framework that protect the Green Belt provide a clear reason for refusing the development proposed.

Other Matter

22. 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. 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 the requirement for an AA is only necessary where the competent authority is minded to approve planning permission, so I have therefore not undertaken an AA.

Conclusion

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

O S Woodward

INSPECTOR