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# Appeal Decision

Site visit made on 5 October 2020

**by Joanna Gilbert MA(Hons) MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 October 2020**

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**Appeal Ref: APP/J1535/D/20/3250409**

**Castor Cottage, Housham Tye, Harlow CM17 0NY.**

- 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 Lorimer against the decision of Epping Forest District Council.
  - The application Ref PL/EPF/2829/19, dated 25 November 2019, was refused by notice dated 21 January 2020.
  - The development proposed is construction of two storey extension with bedroom on first floor and dining room below.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The site lies within the Metropolitan Green Belt and so the main issues are:
  - a) Whether the development is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework);
  - b) The effect of the proposed development on the openness of the Green Belt and on the purposes of including land within it; and
  - c) If the development 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

- a) *Whether the proposed development would be inappropriate development*
3. On the western side of Housham Tye Road, the site forms one of a pair of semi-detached houses with its northern neighbour at Fairways. Housham Tye consists of scattered dwellings within the open countryside.
  4. Paragraph 145 of the Framework sets out exceptions indicating where construction of new buildings in the Green Belt would not be inappropriate. One 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. The Framework does not define what a disproportionate addition would consist of.

5. Policy GB2A of the Local Plan Alterations 2006 (LP) deals with the exceptions for which the construction of new buildings in the Green Belt would not be inappropriate. Criterion vii of Policy GB2A deals with a limited extension to an existing dwelling. I afford this full weight. Policy DM4 of the Epping Forest Local Plan (Submission Version) 2017 (LPSV) forms part of an emerging Local Plan at examination. As I am unclear as to the extent of outstanding objections to this policy, I afford this policy limited weight.
6. The original building is defined by the Framework as a building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally. It is common ground that Castor Cottage was constructed prior to this date and has been extended. The extent of extensions to the original dwelling is not agreed.
7. The Council considers that the proposed development, the existing two-storey and single-storey side extensions and rear extension would together represent a greater than 100% addition in the volume of the original dwelling. No detail is provided as to how these calculations have been reached.
8. Working on floor area rather than volume, due to lack of evidence of the original dwelling's volume, the appellant asserts that the downstairs cloakroom within the existing dwelling is formed from the original outside toilet which stood some 1.5 metres behind the original dwelling. Additionally, the appellant has confirmed that there was a separate building on the site of the existing kitchen south of the dwelling. A two-storey side extension of 40.6m<sup>2</sup> was added to the south of the original dwelling in approximately 1976 (1532/76). The existing single-storey kitchen extension replaced the separate southernmost building in approximately 1987 (1311/87).
9. At an unknown point in history, the western infill between the dwelling and the outside toilet was constructed. If this took place after 1948, this would comprise some 10m<sup>2</sup> additional floor area. Dependent on when the infill took place, the appellant considers that the original dwelling would have had a floor area of either 95m<sup>2</sup> or 105m<sup>2</sup> and that the original dwelling's floor area has already been extended by approximately 38% or 53% dependent on the date of the infill. The appellant's calculations indicate that the proposed development would result in an 80% to 99% increase over and above the original dwelling's floor area. Whichever percentage is taken, the proposed development would lead to a significant increase in the size of Castor Cottage.
10. Assessing proportionality is generally an objective test based on size. Notwithstanding that the proposed development is substantially smaller than the refused two-storey extension (EPF/0568/05), it would represent a disproportionate addition over and above the size of the original dwelling.
11. I find that the proposed development amounts to inappropriate development. The Framework states that such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

#### *b) Openness*

12. Openness is an essential characteristic of the Green Belt. As the bulk of the existing building would be increased by the proposed development, it would reduce openness. The proposed development would be sited within the

dwelling's existing L-shape between the kitchen and entrance hall. It would be set back behind hedging which screens the property's garden from view. It would have little effect on views across the countryside in the context of the existing dwelling. Overall, the design and siting of the proposed development indicates that it would have minimal visual and spatial impact on openness and upon the purpose of safeguarding the countryside from encroachment.

#### *Other considerations*

13. Very special circumstances can only exist if the harm I have identified is clearly outweighed by other considerations.
14. The Council accepts that the proposed development's design and materials would be simple and in keeping with the existing dwelling, in accordance with LP Policies DBE4 and DBE10, LPSV Policies DM9 and DM10, and the Framework insofar as they promote high-quality design. Indeed, it would be of modest proportions, would complement the dwelling's original design and would be set back from the existing dwelling's front and side elevations and set down from the main roof in a subservient manner. As a result, it would not be unduly prominent. This is a neutral matter in my decision.
15. With regard to the living conditions of future occupiers, I recognise that the addition of a second double bedroom and a dining area would enhance the property in line with contemporary living standards. I give this limited weight.
16. The Parish Council supported the appeal and harm to living conditions of neighbouring occupiers is not a concern, but these are not compelling reasons to allow development that conflicts with local and national planning policy.
- c) *If the development 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.*
17. The Framework clearly states that inappropriate development is harmful to the Green Belt, and that substantial weight should be attached to that harm. There would be only minimal loss of openness, but the other considerations advanced by the appellant offer only limited weight in favour of the scheme and do not outweigh the harm I have identified. Accordingly, there are no very special circumstances to justify the proposed development.
18. Therefore, the proposed development would not accord with LP Policy GB2A and LPSV Policy DM5 which seek to restrict and manage development in the Green Belt. It would not comply with paragraphs 143 – 145 of the Framework on protecting Green Belt land. As I have already found that the Framework policies relating to Green Belt indicate that development should be restricted, the presumption in favour of sustainable development does not apply.

#### **Conclusion**

19. For the reasons given above, and having taken account of all other matters raised, the appeal is dismissed.

*Joanna Gilbert*

INSPECTOR