
Appeal Decision

Site visit made on 23 February 2021

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2021

Appeal Ref: APP/J1535/W/20/3262444

44 Epping Road, Stanford Rivers, Ongar CM5 9SQ

- 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 Kes Cracknell against the decision of Epping Forest District Council.
 - The application Ref EPF/0547/20, dated 9 March 2020, was refused by notice dated 21 August 2020.
 - The development proposed is described as 'the removal of the existing garage and shed/glasshouse and erection of a new detached dwelling at the rear of the site utilising the road access.'
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Decision

1. The appeal is dismissed.

Main Issues

2. 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;
 - the effect of the proposal on the integrity of the Epping Forest Special Area for Conservation with particular regard to air quality;
 - other considerations;
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances necessary to justify the proposal?

Reasons

Whether inappropriate development?

3. The appeal site falls within the Green Belt (GB) where Policy GB2A of Epping Forest Local Plan and Alterations (2006) (LP) presumes against new buildings unless they fall within specified exceptions. The Epping Forest District Local Plan (2017) (eLP) has reached an advanced stage in its preparation. Policy DM4 of the Submission Version of the eLP states that new buildings in the GB will be inappropriate other than in certain exceptions. The exceptions specified are broadly similar to those set out at paragraph 145 of the National Planning
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Policy Framework (the Framework). The policy can be afforded considerable weight. The appellant argues that the appeal proposal falls within exception (e) of paragraph 145 which allows for limited infilling in villages.

4. The proposal is for a single dwelling and would be located on Hill Crest Road between a pair of semi-detached dwellings and a detached garage. Beyond the garage is a row of detached dwellings fronting onto Epping Road. The site forms part of the rear garden of one of those properties. As such, I consider that the proposal would amount to limited infilling. Nevertheless, the pattern of built development in the area is sporadic. The appeal site is located a significant distance from the main grouping of buildings at the junction of School Road and Toot Hill Road. The limited facilities serving the area are located close to this junction. There are also gaps in the, essentially linear, development between that main group of buildings and the far looser arrangement of buildings in the vicinity of the appeal site. Consequently, I find that the appeal site is not located within a village for the purposes of Framework paragraph 145(e). The appeal proposal would, therefore, amount to inappropriate development in the GB.

Openness

5. The appeal site is currently occupied by a single garage and a small outbuilding. The proposed dwelling would more than double the footprint of built development on the site. The gap to the adjoining dwellings would be reduced in width and built development would extend considerably further towards the rear of the site. Moreover, the proposed two-storey building would be significantly taller than the existing garage. Therefore, notwithstanding the presence of existing built development on both sides of the site, the proposal would result in a modest reduction in the openness of the GB.

Character and appearance

6. The appeal site is much narrower than the other residential plots along Hill Crest Road or the adjoining section of Epping Road. I have already noted the increased scale of the proposed dwelling compared with the existing garage. Nevertheless, it would be far narrower than the other dwellings in the area and the gaps to the buildings on either side would also be narrow. I recognise that the eaves and ridge heights of the proposed building would match those of the adjoining dwelling. However, by virtue of the incongruously narrow width of the plot and proposed building compared with others in the area, I consider that the proposal would appear cramped and out of keeping with the grain of nearby development.
7. The modestly sized existing garage sits comfortably within the plot. As such, the construction of the proposed dwelling is not necessary to 'complete' the street scene. The proposal would, therefore, have a harmful effect on the character and appearance of the area. Consequently, it would conflict with eLP Policy DM9 which requires development to contribute to the distinctive character of the area, including the rhythm of plot and building widths. Nor would it accord with Framework paragraphs 127 or 130 insofar as they seek to ensure that development contributes positively to local character.
8. The second reason for refusal also refers to LP Policy DBE10. However, that policy deals with residential extensions and so is not directly relevant to the appeal proposal.

Epping Forest Special Area for Conservation

9. The Council prepared a Habitats Regulations Assessment for the Epping Forest Special Area for Conservation (SAC) in 2019 to support the examination of the eLP. Its screening stage identified an Impact Pathway from atmospheric pollution as a result of increased traffic using roads through the SAC. Although the appellant has referred to Sustainable Transport Corridors it is not clear how they would influence vehicle use by future occupiers of the proposed dwelling affecting the SAC. Reference has also been made to the installation of an electric vehicle charging point at the property in accordance with eLP Policy T1. However, this policy has been taken into account in the Council's 'Interim Air Pollution Mitigation Strategy for EFSAC'. The Strategy includes a range of mitigation measures to be funded by financial contributions from residential and other forms of development.
10. The appellant has not provided sufficient evidence to demonstrate that the proposal would not have an adverse effect on the integrity of the SAC. Nor has it offered alternative mitigation solutions. Therefore, the proposal would conflict with LP Policies CP1(i) NC1 and eLP Policies DM2 and DM22. Amongst other things, these policies require proposals to give adequate consideration to air quality impacts. Further, Policy DM2 requires residential development proposals likely to have a significant effect on the SAC, alone or in combination, to demonstrate that appropriate mitigation measures would be in place.

Other Considerations

11. The appellant refers to an 'arguable' lack of affordable housing in the area. However, no measures have been put forward to ensure that the proposed dwelling is made available as affordable housing as defined in the Framework. Nor have measures to ensure its self-build status been offered. The appellant also states that the proposed dwelling could be adapted to make it suitable to meet the need for elderly living. Again, however, there is nothing to indicate how the proposal would meet this need beyond the normal Building Regulations requirements. Therefore, I can give little weight to these considerations.
12. Nevertheless, the proposal would provide an additional unit of accommodation and so derives support from Framework paragraph 59 which seeks to boost the supply of housing.

Other Matters

13. I have had regard to the other concerns expressed locally, but they have not led me to a different overall conclusion.

Green Belt Balance

14. I have found that the appeal proposal would be inappropriate development in the GB. Framework paragraph 143 advises that inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances. I have also found that the proposal would result in a modest reduction in the openness of the GB. Paragraph 144 confirms that substantial weight should be given to any harm to the GB.

15. I have also found that the proposal would be harmful to the character and appearance of the area and that it has not been adequately demonstrated that the proposal would not adversely affect the integrity of the SAC.
16. Overall, I find that the other considerations in this case do not clearly outweigh the GB and other harm. Looking at the case as a whole therefore, I consider that the very special circumstances necessary to overcome the GB harm have not been demonstrated. The proposal, therefore, conflicts with LP Policies GB2A, CP1(i) and NC1, eLP Policies DM2, DM4, DM9 and DM22 and Framework paragraphs, 127, 130, 143, 144 and 145.

Conclusion

17. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR