

Appeal Decision

Site visit made on 22 March 2021

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 06 May 2021

Appeal Reference: APP/J1535/D/20/3254466

'The Old Granary', Copped Hall Estate, High Road, Epping CM16 5HS

- 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 G Myford against the decision of Epping Forest District Council.
 - The application (reference PL/EPF/2940/19, dated 1 November 2019) was refused by notice dated 15 April 2020.
 - The development proposed is described in the application form as "alterations to previously approved single storey rear extension (EPF/1163/19 & EPF/1168/19LB) as well as basement underneath single storey rear extension to add additional living space".
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey rear extension (incorporating a basement), at 'The Old Granary', Copped Hall Estate, High Road, Epping CM16 5HS, in accordance with the terms of the application (reference PL/EPF/2940/19, dated 1 November 2019), subject to the conditions set out in the attached Schedule of Conditions.

Preliminary points

2. Notwithstanding the description of the proposed development that was given in the application form, the nature of the proposal can more clearly be expressed as the construction of a single storey rear extension (incorporating a basement).
3. The application to the local planning authority sought both planning permission and listed building consent for the proposals. This appeal is against the refusal of planning permission.

Main issues

4. The first main issue to be determined in this appeal is whether the proposal is "inappropriate development" in terms of Green Belt policies. If so, it is necessary to consider whether the harm by reason of inappropriateness together with any other harm that might be caused (including the effect of the development on the openness of the Green Belt and the purposes of including land within it) would be clearly outweighed by other considerations.

5. If the proposed development is to be categorised as “not inappropriate”, it is nonetheless necessary, in this case, to consider the impact of the proposed development on the host building and its surroundings.

Reasons

6. Copped Hall Estate is an extensive countryside area contained in the Copped Hall Conservation Area and extending both to the north and the south of the M25 London Orbital Motorway. The surroundings are primarily rural and agricultural in character, although there are scattered buildings and groups of buildings on the estate. The whole area lies within the Green Belt.
7. ‘The Old Granary’ is located to the north of the Motorway, within a group of buildings that lies a short way to the north of Copped Hall Mansion, which is listed (Grade II) as a building of special architectural or historic interest. This building group covers a number of former outbuildings to the main house which have been converted to form dwellings.
8. ‘The Old Granary’ itself dates from the nineteenth century and is now a dwelling, with a large double garage and a small shed. It has retained its original form overall, as a simple construction clad in weatherboarding under a slate hipped roof, and it retains some distinctive features, including its staddle stones (beneath a suspended timber floor). It makes a positive contribution to the character and appearance of the Conservation Area, although it is not a listed building in its own right. Other buildings in the group are listed buildings, however, and attention has been drawn to ‘Copped Hall’ (or ‘Copt Hall’) itself (with its attached walls, pavilions and conservatory) and to the ‘Racquets Court’.
9. It has already been accepted by the local planning authority, in principle, that ‘The Old Granary’ could be extended and planning permission was granted in 2011 and again in 2019 for a single-storey extension. This extension would have added about 32 square metres to the original floor area and I have no reason to doubt that this approved project would be realistic and viable in itself.
10. It is now proposed to construct a different extension from that which has already been approved. The new extension would create a separate building element, with a small link section, but it would incorporate a basement in order to provide additional accommodation.
11. The appeal site lies within the Green Belt, where development is strictly controlled. Policy GB2A of the ‘Epping Forest District Local Plan’ (adopted in January 1998) is a broad planning policy that is intended to control development in the Green Belt except in certain limited cases. Policy DM4 of the emerging ‘Epping Forest District Local Plan’ (Submission Version 2017) takes forward the Green Belt Policy and is aimed at restricting extensions that would result in “disproportionate additions over and above the size of the original building”.
12. The ‘National Planning Policy Framework’, published in 2019, is more up to date than the formally adopted ‘Local Plan’ and it also emphasises the strict controls on development that apply in Green Belts. It is made clear that the construction of new buildings is “inappropriate” in the Green Belt, in principle,

- and not normally acceptable there. Paragraph 145 identifies some limited exceptions to this, however, including “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”.
13. Other policies in the Development Plan are intended to promote good design and to protect the qualities of the countryside, more generally. In particular, Development Plan policies are aimed at protecting heritage and the historic environment, notably at Policy HC6 of the adopted ‘Epping Forest District Local Plan’, which deals with conservation areas, and Policy HC3 of the ‘Local Plan’, specifically in relation to “Registered Parkland”. Moreover, Policy HC14 of the adopted ‘Local Plan’ relates specifically to the Copped Hall Estate and sets out some criteria for proposed development, in the context of the Green Belt and the historic location, while taking a positive approach generally.
 14. The ‘National Planning Policy Framework’ also emphasises the importance of conserving and enhancing the historic environment (especially at Section 16), pointing out the special considerations that apply to designated heritage assets, deriving from the primary legislation. In such cases as this, it is necessary to have special regard to the desirability of preserving the setting of nearby listed buildings and to pay special attention to the desirability of preserving or enhancing the character or appearance of the Copped Hall Conservation Area.
 15. Of course, the ‘National Planning Policy Framework’ also emphasises the importance of good design as a general objective (notably at Section 12), together with protecting and enhancing the countryside, although at the same time it is aimed at making effective use of land and encouraging economic activity.
 16. In visual terms, the extension that is now proposed would be very similar to that which has already been approved on two occasions and which could be carried out. The main area of the extension would be visually separate from the host building, with a subsidiary link structure emphasising the form of the original building and identifying its original role in the wider building group. The principal difference between the current scheme and the previously approved scheme would be the incorporation of a basement.
 17. The existing building is raised on staddle stones and its existing “living/dining room” opens onto a terrace that is also raised above adjoining ground level. The ground floor level of the proposed new extension would be constructed to suit the existing floor level and the additional basement would therefore be provided with high level windows in the new bedroom emerging at ground level on the exterior, without disturbing the original design intent. The volume of the proposed extension above the ground would not be increased to a material degree.
 18. Moreover, the existing dwelling is quite small and the current proposal would add only two good-sized habitable rooms: a living room at ground floor level, with a double bedroom and shower room beneath.
 19. Both local and national planning policies recognise that modest house extensions that do not result in “disproportionate” additions to the original building are not to be categorised as “inappropriate” development in the Green

- Belt. The extension that has already been approved would not be disproportionate and the alternative that has now been proposed would be very similar in terms of its volume above ground. In any case, the proposed extension would add little more than an additional living room and an extra bedroom.
20. In the light of all this, I have concluded that the project that is the subject of this appeal is to be categorised as “not inappropriate” development in the context of Green Belt Policy. It is, nonetheless, necessary to consider the impact of the proposed development on the host building and its surroundings, especially in the context of the setting of nearby listed buildings and of the Copped Hall Conservation Area more generally.
21. The location for the proposed extension is very secluded, in the private garden behind ‘The Old Granary’, screened by the large garage building, trees and vegetation. Moreover, there would be only a very limited visual difference between the approved scheme and the current proposal, as has been pointed out, and I am not persuaded that the basement would undermine the character of ‘The Old Granary’ in its historic environment. In consequence, the proposals that are the subject of this appeal would have no material impact on the setting of listed buildings in the vicinity, nor on the character or appearance of the Conservation Area. Nor would the project affect the openness of the Green Belt or conflict with the purposes that it serves.
22. The appeal scheme would amount to a modest extension to the existing dwelling but it would some provide useful additional space and would, thereby, add to the stock of residential accommodation in the locality, albeit in a very limited way. It would not conflict with Green Belt policies nor would it harm the character or appearance of the host building or its surroundings. Hence, I have concluded that the project would not be in conflict with the national legislation and planning policies or with the Development Plan, in principle, and that it is acceptable in planning terms.
23. In short, I am persuaded that the scheme before me can properly be permitted and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
24. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the conditions suggested by the Council in the usual way (without prejudice to their main arguments in the appeal), subject to modifications necessary, in my opinion, in the interests of clarity, simplicity and enforceability. I have concluded that planning conditions are necessary, to define the planning permission and to ensure that quality is maintained. The Tree Protection Plan is included within the approved drawings and must be complied with, to ensure that existing trees are not damaged inadvertently.

Roger C Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - drawing number 1881/01A (As Existing);
 - drawing number 1881/03C (As Proposed);
 - drawing number MP/GRAN/01A (Tree Protection Plan).
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.