



Appeal Decision

Site visit made on 1 June 2021

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2021

Appeal Ref: APP/J1535/W/20/3265758

Beech Hill House, Pynest Green Lane, Waltham Abbey EN9 3QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by L Payne on behalf of Bilaman Ltd against the decision of Epping Forest District Council.
 - The application Ref EPF/0841/20, dated 23 April 2020, was refused by notice dated 26 June 2020.
 - The development proposed is demolition of existing house, cottage and garage. Erection of replacement family dwelling house. House to be two storey and roof space, and two basement levels.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether the proposal would constitute inappropriate development in the Green Belt;
 - ii) the effect of the proposal on the openness of the Green Belt;
 - iii) the effect of the proposal on the character and appearance of the area; and
 - iv) if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate development

3. The fundamental aim of Green Belt policy in the National Planning Policy Framework (the Framework) is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
4. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as

inappropriate development in the Green Belt. However, an identified exception within the Framework relates to the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

5. The existing dwelling is a detached building with a generous and somewhat sprawling footprint. It provides 1.5 storeys of accommodation with numerous dormer windows located within an imposing roofspace. The building has interesting brickwork detailing as well as ornate chimneys. It fronts onto a large parking area and further to the north-west of the dwelling, there is an additional single storey 'cottage' building with a long and narrow footprint. Due to the orientation of the dwelling and its relationship with the parking area and 'cottage', the site layout establishes a courtyard arrangement, with the widest façade of the building facing north-east, and consequently, into the site. The courtyard characteristics are also further amplified by the relationship of the existing building with Tennyson House and Wordsworth House.
6. The proposal would relocate the dwelling substantially to the south east of the existing building. It would also re-orientate the building so that its principal façade would face south-east, towards the main access into the broader site. The replacement building would be of neo-classical appearance with a central entrance located between two projecting hipped roof elements. Much of the building would appear to be two storeys in height. However, an additional storey of accommodation would be provided within a generous roofspace which would contain a central feature that would present a tall gable end to the front and rear elevation, as well as two flat roof, wide dormer windows within the rear elevation. In addition, a further section of roof would sit above the central gable to provide an elaborate roof light. Two floors of basement accommodation would also be provided.
7. The term 'materially larger' is not defined within the Framework and no definition is provided within the development plan. Based on the evidence before me, the cumulative volume of the existing buildings on the site is approximately 2530 cubic metres. In contrast, the above ground volume of the proposed house would be approximately 3011 cubic metres. This would represent an increase of some 19%. However, the proposal would not simply be replacing one building. Instead, it would be replacing three buildings, albeit within the same residential curtilage. Moreover, two of the buildings that would be replaced sit quietly on the site with a subservient relationship to the principal building. When compared to the existing dwelling in isolation, the proposal would represent an increase in volume of over 50%.
8. Separating the buildings in this manner is not explicitly set out as an approach within the Framework, and the footprint of the proposed building would be more contained than the somewhat sprawling nature of the existing structure. Despite this, the proposal would be a substantially taller building, and due to the combination of its height and overall mass, in my judgement, the replacement structure would have a fundamentally more imposing and commanding presence on the site. Moreover, the individual structure would be substantially larger than any of the other buildings on the site.
9. I note the appellant's reference to the rule of thumb relating to 35% increases in volume being acceptable. I also note the examples of other replacement dwellings that have been cited, although full details are not before me.

However, due to the lack of definition regarding what constitutes 'materially larger', this simply relies on a planning judgement based on the case before me. On this basis, due to the imposing size of the proposed dwelling and the fact that it is demonstrably larger than the cumulative volume of buildings on the site, as well as being substantially larger than the volume of the principal house, it is my judgement that the replacement building would be materially larger than the buildings it would replace. Accordingly, it would fail to comply with the exception identified within the Framework.

10. As a consequence, I conclude that the proposal would represent inappropriate development within the Green Belt. It would therefore fail to comply with the Green Belt protection aims of the Framework, as well as Policies GB2A and GB7A of the Epping Forest Local Plan Alterations (2006) (LP), and Policies GB4 of the Epping Forest District Local Plan (Submission Version 2017) (LPSV), all of which establish the parameters for development within the Green Belt.

Openness

11. As identified above, the appeal site is currently occupied by a building with a generous and somewhat sprawling footprint. It also hosts two other large buildings. The principal building presents its widest façade into the site and towards the existing parking area. It provides 1.5 storeys of accommodation and despite the dominant and interesting roof form, the siting and height of the existing building has the effect of restricting the overall mass of the structure.
12. The proposal would be materially larger than the existing buildings. Moreover, due to the proposed relocation, it would occupy a more commanding presence on the site. Accordingly, due to the large scale of the building, and its more prominent location, the proposal would have a demonstrably harmful effect on both the visual and spatial openness of the Green Belt.

Character and Appearance

13. The existing dwelling is located close to Wordsworth House and Tennyson House, which are situated to the north west of the appeal site. Based on the evidence before me, these neighbouring buildings consist of a 19th century coach house and stable block that were associated with Beech Hill Park, a large stately home that was demolished to make way for the existing building on the site. Accordingly, these buildings are locally listed and although they are separated from the appeal site by mature landscaping, there is a clear and tangible relationship between the buildings. Their locations ensure that the built form in the immediate environment is clustered around their individual vehicular accesses and this has the effect of containing the built form within a pleasing landscaped setting, consistent with its historic layout.
14. The proposal would see the replacement dwelling occupy a very different location on the site, removed from the adjacent buildings. It would also see the relocation of the vehicular access. The nature of this revised site layout would be to establish a new dwelling that would be physically and visually removed from the existing cluster of buildings. This would enable the built environment to intrude onto the existing landscaped setting. Moreover, due to the imposing scale and location of the building, these features would combine to dilute and harm the historical interest of the site. Essentially, in my judgement, the proposed dwelling would impose itself on the pleasing environment in a manner that would be at odds with the historic evolution of the site, rather than sit

quietly within the landscape with a visual and historic link to the existing buildings. In doing this, it would have a demonstrably harmful effect on the open and spacious character of the broader site, as well as its historic interest.

15. Architecturally, the proposal would adopt a neo-classical approach which brings with it the need to be respectful to proportions, materials, and detailing. I recognise the Council's concerns on this matter, and although a singular building which responds to the context may have merit, I do not find the Council's evidence particularly compelling in this regard. The site has a historic importance and I see no reason why a well-detailed and appropriately scaled pastiche building could not be sympathetic as a replacement dwelling.
16. However, for the reasons identified above, the proposal would represent an overly imposing and dominant structure that would fail to respect the historic and environmental interest of the site. In accordance with Paragraph 196 of the Framework, I find that no public benefits have been articulated by the appellant which would outweigh the harm identified. Consequently, I conclude that the proposal would harm the character and appearance of the area. It would also therefore fail to comply with Policy HC13A of the LP and Policy DM7 of the LPSV. Taken together, these seek to give special consideration to buildings of local architectural or historic importance.

Other Considerations

17. Based on the evidence before me, the existing building replaced a stately home of a significant size. However, I do not have any specific information in relation to this point. Accordingly, in the absence of evidence, I give very little weight to this matter.
18. I also note that permitted development rights could theoretically increase the size of the existing building. Despite this, no proposals are before me in this regard and consequently, I am unable to assess their significance in relation to the effect of the proposal on the Green Belt. Moreover, without specific details before me, I find that there is no meaningful fallback position to assess. This matter therefore also attracts very little weight in my assessment of the appeal.
19. Paragraph 144 of the Framework requires that substantial weight be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. On the basis of the evidence before me, I am entirely satisfied that the other considerations would not clearly outweigh the harm caused by the proposal and that consequently, very special circumstances do not exist to justify the development.

Conclusion

20. For the reasons identified above, the appeal is dismissed.

Martin Chandler

INSPECTOR