



Appeal Decision

Site Visit made on 13 July 2021 by Emma Grierson BSc (Hons) MSc MRPTI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Appeal Ref: APP/J1535/D/21/3271400

Paddocks Little Laver Road, Little Laver, Harlow CM17 0RH

- 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 Hanifin against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2920/20, dated 3 December 2020, was refused by notice dated 3 February 2021.
 - The development proposed is the construction of a porch and entrance gates, piers and walls.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issues

4. The main issues in the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - The effect of the proposed development on the character and appearance of the host dwelling and the surrounding area; and

- Would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether it is inappropriate development

5. The appeal site, containing a two storey detached dwelling and a driveway to the front, is located in a rural area within the Green Belt. The proposal would introduce a pitched roof porch to the front elevation of the dwelling, as well as a wall and two sliding gates along the front boundary.
6. Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. These exceptions include 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. Policy GB2A of the Epping Forest District Local Plan (1998) is similarly worded and generally consistent with the Framework's approach.
7. Although not attached to the host dwelling, the proposed gates and wall would represent an alteration to the existing building. However, due to their nature, they would not result in additions over and above the size of the original building. The proposed porch would increase the floorspace of the building by 8.5m². Although the proposed porch is relatively modest in size, when combined with previous extensions on the property the Council state that this would amount to more than 50% of the volume of the original dwelling. Although exact figures have not been provided, the Council have shown the planning history for the property which outlines various extensions and the appellant has not challenged this.
8. I consider that the proposed porch, taken in combination with previous extensions, would be more than double the size of the original dwelling, would be a substantial addition and accordingly would be disproportionate to the size of the original building, contrary to the general principles of Policy GB2A. Therefore, it would be inappropriate development within the Green Belt.
9. Therefore, the proposed inappropriate development would be harmful to the Green Belt which, in accordance with paragraph 148 of the Framework, should be given substantial weight.

Openness

10. Due to the positioning of the proposed development to the front of the dwelling, the proposal would be highly visible from the public realm. Although I have had regard to the contention that the proposed wall would only exceed by 0.2 metres the extent of wall which could be erected as permitted development, there would nevertheless be an adverse visual impact on the openness of the Green Belt from the combined works. Furthermore, although the size and scale of the proposal in itself would be modest, it would still result in some limited spatial impact on the openness of the Green Belt, in that it would be reduced.
11. Therefore, the proposal would have a greater and more adverse impact on the openness of the Green Belt than the existing dwelling. Due to the scale of the proposal, this loss of openness would be moderately harmful.

Character and Appearance

12. The Council have outlined that the proposed porch does not result in harm to the character and appearance of the host dwelling or the surrounding area and I find no reason to disagree with this. Therefore, this main issue will focus solely on the proposed entrance gates, walls and piers on the front boundary of the site, adjacent to the highway.
13. Although I have been referred to a number of examples by the appellant of similar gates and walls in the surrounding area, the appeal site and the two properties which sit directly adjacent to it are set back from the road and are open to the front with no walls or fences. This provides an open and spacious appearance which has a positive impact on the character of this rural area. The proposed wall and gates, although not significant in height, would form a hard edge to the front boundary of the property which would be highly visible within the streetscene. This would be out of keeping with the immediate locality and would result in the loss of the open and rural character to the front of the dwelling, to the detriment of the appearance of the host dwelling and the wider area.
14. I am satisfied that the proposal would not conflict with Policies LL10 and LL11 of the Epping Forest District Local Plan (1998) which requires the provision of landscaping, trees and natural features as I agree that this could be secured through a suitably worded condition. Furthermore, Policy DBE4 of the Epping Forest District Local Plan (1998) is not relevant to this appeal as it relates to new buildings in the Green Belt.
15. However, the proposed gates and wall would be harmful to the character and appearance of the surrounding area and would therefore conflict with Policy DBE10 of the Epping Forest District Local Plan (1998) which requires development to complement the appearance of the streetscene, the existing building and the green belt. It would also conflict with the general design objectives of the National Planning Policy Framework and Policies DM3, DM9 and DM10 of the Local Plan Submission Version (2017) which seek to prevent harm to the landscape character and provide a high specification of design which respects the setting of the original building.

Other Considerations

16. The appellant has highlighted that a similar boundary treatment and porch could be carried out under permitted development rights. However, the proposed gates and wall and the proposed porch would both be larger than what is permissible under permitted development rights and would therefore represent a worse position. Therefore, whilst I have had regard to the fallback position, it does not justify the proposal and I therefore give it limited weight.
17. The appellant has indicated that the wall and gates are required, at the proposed height, to provide security to the occupiers from car theft. However, no evidence has been provided to show why gates and a wall at this particular height is required or whether a boundary treatment with a lesser impact could be implemented instead. Therefore, this is given minimal weight.
18. No objections have been received regarding the proposed development from the occupiers of neighbouring properties or the Highways Authority. However,

the lack of harm is a neutral factor and does not weigh in support of the proposed development.

Conclusion and Recommendation

19. I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of an adverse visual and spatial impact on openness and the inappropriateness of the development that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist.
20. Therefore, the proposal conflicts with the development plan as a whole, and would fail to accord with policy GB2A of the Epping Forest District Council Local Plan (1998) and policy DM4 of the Local Plan Submission Version (2007) which seek to protect the Green Belt, along with the Green Belt objectives of the Framework.
21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR