



Appeal Decision

Site visit made on 29 November 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2021

Appeal Ref: APP/J1535/W/21/3274460 Soundings, Rats Lane, Loughton IG10 4AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Miss S Bales against Epping Forest District Council.
 - The application Ref EPF/0530/21 is dated 24 February 2021.
 - The application sought planning permission for proposed front, rear and roof extensions without complying with a condition attached to planning permission Ref EPF/1128/20, dated 24 July 2020.
 - The condition in dispute is No 2 which states that: *"The development hereby permitted will be completed and retained strictly in accordance with the approved drawing numbers: 2783; 2, 4, 5, 6, 7A, 8, 10."*
 - The reason given for the condition is: *"To ensure the proposal is built in accordance with the approved drawings."*
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Decision

1. The appeal is allowed and planning permission is granted for proposed front, rear and roof extensions at Soundings, Rats Lane, Loughton IG10 4AQ in accordance with the terms of the application Ref EPF/0530/21 without compliance with Condition No 2 previously imposed on planning permission EPF/1128/20, dated 24 July 2020, but subject to the following conditions:
 - 1) The development hereby permitted must be begun not later than 24 July 2023.
 - 2) The development hereby permitted will be completed and retained strictly in accordance with the approved drawing numbers: 2783/2A; 2783/4A; 2783/6; 2783/7A; 2783/8A; 2783/10A; 2783/11; 2783/12.
 - 3) The materials to be used for the external finishes of the development shall match the existing dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Preliminary Matters

2. The Epping Forest Local Plan Submission Version 2017 (the EFLPSV) has been submitted for examination. The examination process is now at an advanced stage. Nevertheless, the content of its emerging policies may yet change prior to formal adoption. Thus, I shall determine the appeal based on the EFLPSV being at a stage that attracts moderate weight.

3. The Council has indicated that it would have refused planning permission had it been in a position to do so. Its main concerns relate to the proposal's eligibility to be considered via the minor material amendment route, and the scheme's effect upon the character and appearance of the host dwelling and surrounding area. I shall formulate the main issues accordingly.

Main Issues

4. The main issues are:
- Whether or not the proposed amendments (to the scheme granted planning permission under reference EPF/1128/20) can be considered minor material; and
 - The effect of the proposed amendments upon the character and appearance of the host dwelling and its surroundings.
5. Whilst the site is located within the Green Belt, the Council do not allege that the proposal constitutes inappropriate development in the Green Belt. I shall address any relevant considerations under Other Matters.

Reasons

Whether or not a minor material amendment

6. The planning application subject to this appeal was made under Section 73 of the Town and Country Planning Act 1990 for a minor material amendment to a July 2020 planning permission¹ for extensions to the host property. As a condition was imposed that specifies the approved plans, this type of application is possible where proposed amendments do not result in development that is substantially different to that approved. The appeal seeks the removal of the disputed condition and its replacement with a condition specifying the plans that reflect the proposed design revisions.
7. The intended amendments are focussed at roof-level, where three dormer windows (the dormers) are proposed to be added to the rear slope of the approved roof extension that, as observed upon inspection, has yet to be constructed. The dormers would offer the opportunity for the internal roof space to be utilised as habitable living space.
8. The dormers would each be of modest size and discreetly sited to the rear of the property. Indeed, notwithstanding the height of their positioning upon the roof slope, the dormers would not appear as domineering or unduly prominent additions. Furthermore, their introduction would not necessitate any changes to the description of development stated on the original planning permission. Thus, the amendments under consideration would not result in development substantially different to that approved and can be considered minor material alterations. I shall determine the appeal accordingly.

Character and appearance

9. The appeal property is detached and positioned upon a plot of generous expanse. Other properties nearby exhibit a range of different forms, orientations and building materials, and can often be observed to occupy sizeable plots. Furthermore, reflective of wider rural surroundings, the area is

¹ EPF/1128/20

well-planted. Thus, a mixed, spacious and green residential character and appearance is identifiable local to the site.

10. Whilst concerns have been raised that the dormers would add unacceptable bulk and mass, each would be modestly sized. Furthermore, they would be routinely positioned to the rear roof slope and be sympathetic to the pitched design of the main roof. It was also apparent upon inspection that, reflective of the mixed residential character that is in place, several roof dormers already exist close to the site, which include rear-facing additions to properties that front Wellington Hill. When also factoring in the limited visibility that would avail due to intended discreet rear positioning of the dormers, I find that they would represent acceptable additions to the property and to the wider area.
11. For the above reasons, the proposed amendments would not cause harm to the character and appearance of the host dwelling and its surroundings. The amended proposal accords with Policy DBE10 of the Epping Forest Local Plan (January 1998) and emerging Policy DM9 of the EFLPSV in so far as these policies set out that a residential extension will be required to complement and, where appropriate, enhance the appearance of the streetscene, the existing building and the Green Belt.

Other Matters

12. The National Planning Policy Framework (July 2021) sets out that the construction of new buildings should be regarded as inappropriate in the Green Belt unless a specified exception applies. These exceptions include extensions or alterations to a building provided that the works would not result in disproportionate additions over and above the size of the original building. As indicated in the supporting text to emerging Policy DM4 of the EFLPSV, there is not an intention to define the term 'disproportionate'. Instead, the same supporting text suggests that considerations are to be led by the specific characteristics of the locality and building(s) under consideration.
13. The dormers, when considered in isolation, would be of small size and add minimal volume. Whilst they would be brought forward in conjunction with existing and permitted extensions to the appeal property of not insignificant cumulative size, I am satisfied that the amended proposal (that is focussed upon the addition of merely three small-sized dormers) would not result in disproportionate additions over and above the size of the original dwelling. This is even when acknowledging the associated intention to create habitable floorspace at loft level. Thus, inappropriate development in the Green Belt would be avoided.
14. As I have found that the proposal would not be inappropriate development in accordance with a Framework exception that does not expressly state a need to assess its effect on openness, the proposal should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. For the avoidance of doubt, very special circumstances do not need to be demonstrated. Whilst I have noted reference by an interested party to recent unsuccessful applications elsewhere on Rats Lane, any proposal for development must be considered upon its own individual merits.
15. The scheme accords with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion and Conditions

16. For the above reasons, the appeal is allowed. I shall grant a new planning permission whilst substituting the disputed condition for a new condition that, in the interests of certainty, specifies the approved plans. I shall use references that reflect each of the latest plan revisions that are before me, as I am suitably content that these plans are accurate and were before the Council at application stage.
17. I shall also retain the non-disputed conditions from the original July 2020 permission. For the avoidance of doubt, as set out in the Planning Practice Guidance, with respect to applications made under Section 73, the time limit condition must remain unchanged from the original permission. Thus, I have used the relevant date that applied when planning permission was originally granted.

Andrew Smith

INSPECTOR