



Appeal Decision

Site visit made on 30 November 2021

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 January 2022

Appeal Ref: APP/J1535/D/21/3277562

Cross Keys Mews, Crossgates, High Road, Thornwood, Epping CM16 6LZ

- 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 Francois Chklar against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0590/21, dated 2 March 2021, was refused by notice dated 28 April 2021.
 - The development proposed is for proposed basement and new skylight to first floor.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a new basement and new skylight to the first floor at Cross Keys Mews, Crossgates, High Road, Thornwood, Epping in accordance with the terms of the application, Ref PL/EPF/0590/21, dated 2 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: BLC/DRG/201211/000; BLC-201211-PD-001; BLC-201211-WD-002; BLC-201211-WD-003; BLC-201211-WD-004; BLC-201211-WD-005; BLC-201211-WD-006; BLC-201211-WD-007; BLC-201211-WD-008; BLC-201211-WD-009; BLC-201211-WD-010.
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. I have adopted the description of the development included in the Council's Decision Notice as it more accurately describes the proposed works.
3. The development plan consists of the Epping Forest District Local Plan (1998) and the Local Plan Alteration (2006). It is on these adopted policies, and the National Planning Policy Framework (the Framework) that I have based my decision. The Epping Forest District Local Plan Submission Version 2017 remains unadopted. I therefore afford the emerging policies limited weight unless these are consistent with the Framework. Where I have found there is consistency between the Framework and the emerging policies, I have afforded them significant weight.
4. The site already benefits from planning permission for a two-storey extension granted under planning ref: EPF/2693/17 which, at the time of the site visit, had not yet been fully erected. As the present appeal is for a new application on

the same site, I have made my decision based solely on the information provided as part of this appeal, which includes relevant planning site history.

Main Issue

5. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt, having regard to national policy and relevant development plan policies; and,
- the effect of the proposal on the openness of the Green Belt.

Reasons

Inappropriate Development

6. The appeal site is located off the High Road in a scarcely populated area dominated by green open fields but punctuated by a few isolated residential developments such as Cross Keys Mews. Cross Keys Mews is a small development made of 3 large detached houses located in close proximity to each other but sited in large generous plots. The area is identified as Green Belt in the Epping Forest District Local Plan (1998) and the Local Plan Alteration (2006).
7. The Framework states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
8. Paragraph 149 of the Framework also states that the construction of new buildings should be regarded as inappropriate in the Green Belt. Exceptions to this 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.
9. The present proposal is for the construction of a 66 square metres basement which would be, in its vast majority, concealed under the existing development or the extension previously granted. The proposed additional extension would represent an increase of approximately 20% in relation to the existing dwelling but approximately a 37% increase in relation to the original building, as defined in the Framework.
10. The Council's adopted policy on development in the Green Belt is Saved Policy GB2A of the Epping Forest District Local Plan (1998) and with Alterations in 2006 (LPA). The LPA pre-dates the Framework and is not wholly consistent with it in that it refers to "a limited extension to an existing dwelling that is in accordance with Policy GB14A" as the relevant criterion, rather than to a 'disproportionate addition' as set out in the Framework. Policy GB2A therefore attracts limited weight.
11. There is no definition in the Framework of what constitute a 'disproportionate addition'. Policy DM4 of the Epping Forest District Local Plan Submission Version (2017), which is yet to be adopted, applies the same exception to inappropriate development as that set in Paragraph 149(c) of the Framework. Consequently, significant weight can be afforded to this policy due to its consistency with the Framework. Supporting paragraph 4.34 of Policy DM4 states it is not intended to

define 'disproportionate' or 'materially larger' since this would depend on the characteristics of the site and the existing buildings themselves.

12. Considering the characteristics of the site and the existing building, as well as the size of the proposed extension, I do not find that the present proposal, when considered in conjunction with previously approved extensions to the original building, would constitute a disproportionate addition.
13. Consequently, and having regard to the exceptions set out in paragraph 149 of the Framework, the proposal would not be a form of inappropriate development in the Green Belt and, in that regard, would not be in conflict with the Policy DM4 of the Epping Forest District Local Plan Submission Version (2017) and the Framework. I afford this significant weight. There is a conflict with Policy GB2A of the LPA but, for the reasons previously set out in this decision, I afford conflict with this policy limited weight.

Openness

14. As the proposal would not be inappropriate development, it would, by definition, not have an adverse impact on the openness of the Green Belt. Whilst the proposal would conflict with Policy GB2A of the LPA, this is outweighed by the provisions of national policy.
15. The impact on openness is implicitly taken into account in the exceptions in the Framework, unless there is a specific requirement within them to consider the actual effect on it. Therefore, where the effect of the development on openness is not expressly stated as a determinative factor in gauging inappropriateness, there is no requirement in national policy to assess the impact of the development on the openness of the Green Belt.

Conditions

16. To provide certainty, a condition should be imposed specifying the approved plans. A condition requiring the external materials to match the existing building is also necessary to ensure a satisfactory appearance of the development.

Conclusion

17. The proposal would not be inappropriate development in the Green Belt and because of this there would be no adverse impact on openness. Although not in accordance Policy GB2A of the LPA it would nonetheless accord with the development plan as a whole in that the Green Belt would be safeguarded from inappropriate development.
18. For the reasons given above, I conclude that the appeal should be allowed.

Andre Pinto

Inspector