
Appeal Decision

Site visit made on 22 February 2022 by Emma Grierson BSc (Hons) MSc MRTPI

Decision by David M H Rose BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2022

Appeal Ref: APP/J1535/D/21/3278467

Watergate, Watery Lane, Matching Green, Harlow CM17 0RQ

- 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 F Galley against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0367/21, dated 8 February 2021, was refused by notice dated 30 April 2021.
 - The development proposed is a 3-bay car port to front left hand side of property and extension to existing front porch.
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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.

Procedural Matter

3. The Council have made reference to a Policy GB4 of the Epping Forest District Local Plan Submission Version (2017) within their reasons for refusal. However, from the Officer's Report and the Policies provided, it is evident that this is in error and the correct Policy is DM4. Therefore, where relevant, this will be the Policy referred to within this decision.

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; 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 which has undergone extension to the side and rear, is located within a rural area within the Green Belt. The proposal would introduce a three-bay car port to the front of the property and would extend the existing porch on the dwelling.
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. Whilst the proposed car port would be a separate detached building, the Council have considered the proposal under this exception as the car port would be ancillary to the main building and no other exceptions listed within the Framework are relevant.
7. Policy GB2A of the Epping Forest District Local Plan (2006) also indicates that development within the Green Belt will not be permitted subject to a number of exceptions, including if it is a limited extension to an existing dwelling. This Policy is therefore broadly consistent with the Framework's approach.
8. The Council have stated that the original dwelling had a total floorspace of 122m² and the proposal, along with previous extensions to the property, would result in a total floorspace of 246m². The appellants have not contested these figures. Although the appeal site is generous in size and the proposed car port has been positioned to allow for landscape screening to be implemented, the cumulative size of the existing extensions, proposed porch and proposed car port on the appeal site would be over double that of the original dwelling. This would result in significantly more built form on the site than the original dwelling.
9. Consequently, the proposal and the existing extensions to the dwelling would result in a level of built form on the site which is disproportionate in size compared to the original building. It would therefore not fall under the exception in paragraph 149 of the Framework, relating to the extension or alteration of a building, and would be inappropriate development within the Green Belt.
10. 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

11. The proposed development would introduce a new building on the appeal site which would be substantial in size. Due to the volume and bulk of this building, the proposal would have a significant spatial impact on the openness of the Green Belt. In addition, although the building would be partially screened by landscaping around it, it would still be visible from the road, thereby eroding visual openness of the site. This would not be fully mitigated by the inward facing open nature of the car port or its hipped roof, which the appellant states are intended to minimise its massing and visual impact.
12. Although largely screened from public view, the proposed porch and its contribution to the increase massing of the host dwelling would also have a minor spatial impact on the openness of the Green Belt. Therefore, the overall

proposed development would have both an adverse spatial and visual impact on the openness of the Green Belt, in that it would be reduced.

13. Substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.

Other Considerations

14. A number of other developments have been outlined by the appellants which are also located within the Green Belt, in close proximity to the appeal site, and were granted planning permission. I have considered each of these developments in turn.
15. The developments at Edmund House appear to have been primarily the remodelling of a dwelling with small scale additions. Rose Cottage and The Coach House were granted planning permission for a replacement outbuilding and therefore, in relation to the Green Belt, are not considered in a similar manner to the proposal before me. The cart lodge proposed at both Southern Cross and Oaklands were smaller in size than the development proposed at the appeal site. There is also nothing in these examples to indicate that previous substantial extensions were relevant to the consideration of these proposals.
16. Furthermore, although there are some apparent similarities with the appeal scheme, in the case of Mill House the Council found that the proposal, including previous extensions, resulted in an 40.5% increase in floorspace to the property and was not considered to be disproportionate. Whereas, as discussed in the main reasoning, the proposed development would have a much larger increase in floorspace than this. Similarly, whilst a large 3-bay cart lodge was also proposed, the development at The Dower House was attached to an existing outbuilding and set back further within the site. The Council concluded that on balance the proposed additional car port extension was acceptable in policy terms and I do not regard it to be directly comparable to the appeal proposal.
17. The possibility of a similar or larger sized car port being constructed under permitted development rights has been brought to my attention. No specific proposals have been provided by the appellants and no compelling evidence has been provided to indicate the likelihood of the appellants carrying out such works should the appeal not be successful. However, they have indicated that this car port would be located to the rear of the main dwelling with additional hardstanding required and would therefore have a greater impact upon openness of the Green Belt. Although some long-range views across open farmland may be possible, due to its location to the rear of the dwelling short range views from the public realm would be less likely. Therefore, such a proposal would have less impact on the visual openness of the Green Belt when compared to the proposal before me. Furthermore, additional hardstanding on the site would have a minimal impact on the visual and spatial openness of the Green Belt. Therefore, these permitted development rights would only attract limited weight in support of the proposal.
18. The proposed development received no objections from the Parish Council and a letter of support from the occupier of a neighbouring dwelling. However, this is a neutral factor only in my consideration of this case.

19. The appellants have indicated that the proposal is intended to meet the functional needs of the family which occupy the dwelling. However, whilst I have had regard to the personal circumstances of the appellants in this respect, I am satisfied that as a private benefit this is a matter which would attract only limited weight in support of the proposal.

Conclusion and Recommendation

20. I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with Policies GB2A and GB7A of the Epping Forest District Local Plan (2006) and Policy DM4 of the Epping Forest District Local Plan Submission Version (2017) 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, the proposal would conflict with the development plan taken as a whole, and I recommend that the appeal 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.

David MH Rose

INSPECTOR