



Appeal Decision

Site visit made on 29 March 2022 by Darren Ellis MPlan

Decision by A Jordan BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2022

Appeal Ref: APP/J1535/D/21/3282744

The Meadows, Nursery Road, Nazeing, Waltham Abbey EN9 2JF

- 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 Ms Tanya Bicker against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/1504/21, dated 25 May 2021, was refused by notice dated 21 July 2021.
 - The development proposed is a single storey extension.
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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 reason for refusal refers to policy DM4 of the Epping Forest District Local Plan Submission Version 2017 (LPSV). The LPSV has not yet been adopted by the Council as part of their development plan, however the LPSV has been through the examination process and some modifications have been suggested by the examining Inspector, including an amendment to the supporting text of policy DM4. However, this modification does not affect the parts of the policy that are relevant to this appeal and as such I afford significant weight to LPSV policy DM4 in this case.

Main Issues

4. The appeal site is within the Green Belt and so the main issues are:
 - whether the proposal would be inappropriate development for the purposes of development plan policy and the National Planning Policy Framework;
 - the effect of the proposal on the openness of the Green Belt; and
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.
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Reasons for the Recommendation

Whether the proposal would be inappropriate development

5. The National Planning Policy Framework (the Framework) establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building. This is provided that the extension does not result in a disproportionate addition over and above the size of the original building. The Framework defines 'original building' as 'a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally.' It does not however define 'disproportionate'.
6. Policy GB2A of the Epping Forest Local Plans Alterations (July 2006) (LPA) and policy DM4 of the emerging LPSV are consistent with the Framework in that they both seek to protect the Green Belt but allow limited extensions to existing dwellings as long as they are not disproportionate additions.
7. The appeal property is a detached bungalow set in a generous plot. The proposed development would see the addition of a single-storey extension to the eastern side of the property.
8. It is evident that the property has been previously extended. The Council asserts that the existing extensions have increased the volume of the original property by over 50%, however I have no detailed evidence before me as to how this figure was calculated and therefore the exact increase in size from the original property is not certain. Nevertheless, the planning history and the submitted drawings provide some indication that the additions to the property, namely the porch and the part of the dwelling that houses the kitchen, dining room and lounge, are substantial additions to the property that have considerably increased the volume of the dwelling. The proposed extension would further increase the floorspace and volume of the dwelling.
9. The Framework resists additions over and above the size of the original building. Size is more than a function of floorspace and volume and includes bulk, mass, and height. In this case, the apparent scale and mass of the building has already been notably increased through the existing additions, which although partly screened have nonetheless visibly increased the bulk of the dwelling. The side extension would increase the massing at the side of the dwelling which is the most visible from the street and would add to the visual and volumetric impact of previous extensions. Furthermore, the appellant agrees that the total area of the existing and proposed extensions would exceed what would usually be acceptable in the Green Belt. From the information before me, I am firmly of the view that the proposed side extension would, together with the existing extensions, cumulatively amount to a disproportionate increase above the size of the original building. Accordingly it would conflict with LPA policy GB2A, LPSV policy DM4 and with the Framework.
10. It would appear from the planning history of the property that a detached garage was previously granted planning permission in the late 1980's. However, this permission has not been implemented and as such the permission has now lapsed. Since the garage was approved, local and national planning policy has been significantly updated and changed and therefore the policy context of the garage proposal would be different to the appeal proposal

before me. The previous planning permission for the garage therefore does not justify the proposed side extension, even if the extension would be smaller than the garage.

11. The proposal would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

Openness

12. Openness is an essential characteristic of the Green Belt. The Planning Practice Guidance states that openness is capable of having both spatial and visible aspects, so that both the visual impact of the proposal and its volume may be relevant.¹
13. The visual bulk of the side extension would evidently increase the massing of the dwelling and the proposed development would therefore result in a reduction in the openness of the Green Belt. However, given the modest size of the extension and the built-up nature of the immediate area, the harm that would be caused to openness would be limited. Nonetheless, one of the fundamental aims of Green Belt policy is to keep land permanently open and paragraph 148 of the Framework identifies that substantial weight should be given to any harm to the Green Belt. I therefore also attach weight to the loss of openness accordingly, in addition to the harm by reason of inappropriateness.

Other Considerations

14. The proposal would provide additional living space for occupiers of the appeal property. Personal circumstances will seldom outweigh more general planning considerations and in this case I have no evidence before me that the existing dwelling represents substandard or otherwise unacceptable accommodation. I therefore attach limited weight to this matter.
15. I note that the Council considers the effect of the appeal proposal on the character and appearance of the existing dwelling to be acceptable and based on the evidence before me I have no reason to disagree. However, this is a neutral factor which does not weigh in favour of development in the Green Belt.

Planning balance and Conclusion

16. The proposed side extension would cause harm to the Green Belt by way of its inappropriateness and to its openness, and the Framework establishes that substantial weight should be given to any harm to the Green Belt.
17. The Framework states that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The other considerations do not clearly outweigh the totality of the harm I have identified above. Consequently, the very special circumstances necessary to justify the side extension do not exist.
18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal be dismissed because of the conflict with the development plan and there being no material considerations which indicate that a decision should be made other than in accordance with the development plan.

¹ Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and I agree with the recommendation that the appeal should be dismissed.

A Jordan

INSPECTOR