



Appeal Decision

Site visit made on 9 August 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2022

Appeal Ref: APP/J1535/D/21/3282103

1 Stonehall Grove, Downhall Road, Matching Green, Harlow CM17 0RA

- 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 Marco Sidoli against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0907/21, dated 30 March 2021, was refused by notice dated 17 June 2021.
 - The development proposed is a two storey rear addition.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council have referred me to policies of the emerging local plan. These are evidently draft policies of an emerging plan which I understand has been submitted for examination. I am unclear, based on what I have seen, as to how far away these policies are from adoption or indeed in what form they will be adopted. I can therefore only afford them very limited weight. I have in any case determined the appeal having regard to the adopted development plan at the time.

Main Issues

3. The main issues are:
 - i. Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - ii. The effect on the openness of the Green Belt;
 - iii. The effect of the proposal on the character and appearance of the existing property and the area; and
 - iv. Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

4. The appeal site is in a rural location and forms part of a cluster of buildings on the western side of Downhall Road which includes residential properties on Stonehall Grove.
5. The Framework in paragraph 137 identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate development, but lists exceptions as set out in paragraph 149. One such exception is 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.
6. Policy GB2A of the Local Plan Alterations 2006 (the LP) broadly aligns with the objectives of the Framework and states that, among other things, planning permission will not be granted unless for a limited extension to an existing dwelling. Policy GB2A refers to the need for such extensions to be in accordance with Policy GB14A of the LP, which provides a percentage for an acceptable volume increase. However, I note that the Council have not relied on Policy GB14A within their assessment or reason for refusal.
7. The main parties do not dispute that the volume of the original property is approximately 329m³ and there is no evidence of other existing extensions. There is, however, dispute over the volume of the proposed extension and the percentage uplift that it would entail from the original volume. If the appellant's figures are used, the proposal would entail an uplift of approximately 43.9%, which is a significant increase from the original.
8. In addition, the proposed extension would have a similar overall depth to the original property, have an eaves and ridge height consistent with the original building and extend over a significant proportion of the rear elevation. It would also introduce a substantial gable feature, larger than the gable ends of the original building. In combination with the volume increase, these factors lead me to conclude that the extension would constitute a disproportionate addition over and above the size of the original building. Consequently, it would not accord with the exception to inappropriate development at paragraph 149c) of the Framework.
9. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would conflict with Policy GB2A of the LP, and the associated objectives of the Framework.

Openness

10. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal site is in a rural location and forms part of a cluster of buildings on the western side of Downhall Road which includes the residential properties on Stonehall Grove. The openness of the area is established by the gaps between the properties and their generous plots, as well as the wider open fields which surround Stonehall Grove to the east and west.

11. The back of the appeal site is visible from other properties on Stonehall Grove as well as parts of the road, particularly over the rear gardens of 1 and 2 Stonehall Grove and between the garages. While the visual effects of the proposal on openness would be limited to these localised views, the effects would nonetheless be significant. Taken together with the scale and bulk of the proposal, it would result in a decrease in both the spatial and visual aspects of the Green Belt's openness. Consequently, it would cause harm to the openness of the Green Belt.

Character and Appearance

12. The design and form of the residential properties within Stonehall Grove varies, however numbers 1, 2 and 3, form a group of distinct character. These are consistent in their design and proportions and accommodate the first floor partially in the roof slopes, served by modest scaled dormer windows. These features and the uniformity of this group contribute positively to the character of the area.
13. The proposed extension, by reason of its depth and height, would appear as a visually prominent feature which would dominate the rear elevation of the building. Its prominence would be exacerbated by its large rear gable feature which would be heavily at odds with the treatment of the existing first floor. The width of the extension and its window details would also conflict with the verticality that can be found in the detailing of the existing building.
14. Visibility of the proposal from Downhall Road would be limited due to the positioning of the extension. However, it would be evident in local views from within Stonehall Grove itself and, in these views, the proposal would cause visual harm as a dominant and incongruous feature. Despite the staggered rear building lines of numbers 1, 2 and 3 Stonehall Grove, as well as the proposed use of matching materials, these would do little to reduce the effects of the overall scale and massing of the extension and its dominance of the host property and the group of which it forms a part.
15. For the reasons given, the proposed extension would cause harm to the character and appearance of the property and the area. As such it would conflict with Policy DBE10 of the LP, which requires residential extensions to complement and, where appropriate enhance, the appearance of the street scene, the existing building and the Green Belt.

Other Considerations

16. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
17. The proposed extension would provide enlarged living accommodation, which would be a benefit to its occupants. However, it has not been demonstrated that the proposed development is the minimum necessary to achieve such a benefit, nor has it been substantiated that the existing is inadequate. For this reason I afford this limited weight as a benefit.
18. I also note that the development could be carried out to a high standard, and I afford this moderate weight given the scale of the proposal.

19. The appellant has drawn my attention to other extensions which have been approved to numbers 6 and 9 Stonehall Grove¹. However, the circumstances of those developments are materially different to those of the appeal scheme, most notably because of their differing original size for Green Belt purposes, and their different visual relationship to the surrounding properties. As such I ascribe minimal weight to these other approvals.

Other Matters

20. The appeal site adjoins the grade II listed barn at Stone Hall Farm to the southeast. Despite its physical proximity, as the appeal site neighbours flank rear elevation, and is separated to some degree by landscaping, I am satisfied that the development proposed would not have an effect upon the setting of the listed building.

Conclusion

21. Overall, the weight of the other considerations in this instance would not be sufficient to outweigh the harm to the Green Belt, to which I am required to give substantial weight, as well as the harm to the character and appearance of the area, to which I also give substantial weight. Consequently, the very special circumstances necessary to justify the development do not exist.
22. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

C Shearing

INSPECTOR

¹ EPF/0128/21 and EPF/1552/20