
Appeal Decision

Site visit made on 28 September 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2022

Appeal Ref: APP/J1535/D/22/3290841

Warren Hill Lodge, Manor Road, Loughton IG10 4RP

- 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 Carine Morgan against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2662/21, dated 5 October 2021, was refused by notice dated 29 November 2021.
 - The development proposed is car port and plant room.
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Decision

1. The appeal is allowed and planning permission is granted for a car port and plant room at Warren Hill Lodge, Manor Road, Loughton IG10 4RP in accordance with the terms of the application, Ref PL/EPF/2662/21, dated 5 October 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: Drawing nos. HP21875/101 (Proposed Site Plan and Location Plan), HP21875/20 (Proposed Site Layout Plan), HP21875/01 (Proposed Plans), HP21875/02 (Proposed Elevations) and HP21875/21 (Proposed Landscape Plan).
 - (3) Before the development hereby permitted commences, a tree protection plan and arboricultural method statement in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. Once approved in writing, the development shall be carried out in full accordance with the approved details.

Preliminary Matter

2. The development plan consists of the combined policies of the Epping Forest District Local Plan (1998) and the Local Plan Alterations (2006) (LPA). However, the Council has also sought to rely upon the emerging plan, namely the Epping Forest District Local Plan Submission Version (2017) (LPSV). Where I have found that there is consistency between the Framework and the emerging policies, I have afforded them significant weight.

Main Issues

3. The main issues are:

- (i) whether or not the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- (ii) the effect of the proposal on the openness of the Green Belt; and
- (iii) 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 or not inappropriate development in the Green Belt

- 4. None of the parties are indicating that the planning permission for the replacement dwelling on the appeal site has not been implemented. Indeed, at the time of my site visit the roof was on and the windows were in place. As a matter of fact and degree, I am satisfied that the replacement dwelling has been erected. Therefore, I am not dealing with an appeal for the replacement of a building. The proposal is for a car port and plant room to serve the existing dwelling on the site.
- 5. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt other than in a number of exceptions. One exception at Paragraph 149 c) 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. Policy DM 4 (Green Belt) C (iii) of the LPSV is consistent with this approach. Given the ancillary nature of the proposal and its close proximity to the dwelling, these factors indicate to me that the proposal should be treated as an extension to the dwelling.
- 6. What constitutes a disproportionate addition is not defined within the Framework or the LPSV. Policy GB2A (Development in the Green Belt) of the LPA refers to 'limited extension to an existing dwelling' rather than 'disproportionate additions' and is therefore not consistent with the Framework. Accordingly, I afford Policy GB2A limited weight. Taking the above matters into account, an assessment as to whether the proposal would be a disproportionate addition in this instance is primarily an objective one taking into account the relative size of the original building to the proposal.
- 7. The recently erected dwelling which now occupies the site was erected after 1948. Therefore, having regard to the definitions in the Framework, it is this dwelling 'as it was built' which constitutes the original building for the purposes of my assessment. Whether or not this original building is larger than the one it replaced is immaterial having regard to the specific terms of the exception at Paragraph 149 c) of the Framework.
- 8. I have not been provided with detailed calculations showing the percentage increase in floorspace and volume of the proposed car port and plant room relative to the original building. However, from a purely visual assessment of the plans, the building would be of a comparatively modest footprint, volume

and height relative to the original building. In these respects, I find that the proposal would not be a disproportionate addition over and above the size of the original building.

9. I conclude, the development would not be inappropriate development in the Green Belt. It would meet the exceptions at Policy DM 4 C (iii) of the LPSV and Paragraph 149 c) of the Framework and would also accord with the requirements to manage and protect the Green Belt from inappropriate development in Policy CP2 (Protecting the Quality of the Rural and Built Environment) and Policy SP6 (Green Belt and District Open Land) of the LPSV.
10. Given my conclusion in respect of this main issue, no material harm would be caused to the openness of the Green Belt and there is also no need for me to assess whether there are any other considerations which would amount to very special circumstances.

Other Matters

11. The Council's decision notice also refers to Policy GB7A (Conspicuous Development) of the LPA. As the proposal is not inappropriate, it is implicit that the development would not result in harm to openness. Furthermore, the building would be discreetly sited to the side of the host dwelling and would not be highly discernible from the nearest public roads. Therefore, the proposal would not have an excessive adverse impact on openness and so would not conflict with this policy.
12. The Council has not raised concerns in respect of the potential relationship with the locally listed Warren Hill House, a non-designated heritage asset which is situated in close proximity to the site. Furthermore, the Council did not refuse the proposal on the basis of the merits of its design or materials. From what I have seen, I find no reason to conclude differently on these matters.

Conditions

13. I have attached the standard timescale for implementation and an approved drawings condition in the interests of certainty. Following my request, the Council has provided a copy of the approved landscape plan relating to the replacement dwelling. Comparing the two, it is clear that the hard surfacing on the proposed landscape plan before me substantively aligns with the previously approved details. I have therefore included the proposed landscape plan in the approved drawings condition.
14. The approved drawings indicate that the roof and plinth would be carried out in slate and brickwork to match the existing house and that black stained timber weather boarding would be provided to the external face of the enclosed elevations. These materials would appropriately respond to their immediate context and therefore a separate materials condition is not required.
15. A comparison of the proposed plans with the landscape and tree protection plans that were approved in respect of the replacement dwelling indicates that the proposed building and hard surfacing would sit away from the root protection area of the nearest tree. Even so, and while the Council has not raised any specific concerns, I am conscious that there is a group Tree Preservation Order (TPO) in the vicinity of the appeal site. Any tree protection measures put in place during construction of the dwelling could in theory be taken down prior to the commencement of the car port and plant room. In

order to ensure appropriate tree protection measures are put in place during the construction of the development, I have therefore included an appropriate condition.

Conclusion

12. For the reasons given the appeal is allowed.

M Russell

INSPECTOR