



Appeal Decision

Site visit made on 14 November 2022

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 25 January 2023

Appeal Ref: APP/J1535/D/22/3293249

Gate House, Teazle Meade, Thornwood, Epping, CM16 6TZ

- 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 Mark Holt against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2931/21, dated 8 November 2021, was refused by notice dated 12 January 2022.
 - The development proposed is described as “proposed 2 storey side extension and single storey rear extension. In the width of the existing garage and a new front porch. Render all elevations, re-tile the roof with slates and a Velux window to the East elevation”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Epping Forest District Council Local Plan (Submission Version) (2017) (the emerging Local Plan) has been submitted and is undergoing examination but has not been found sound or adopted and so it does not yet form part of the Development Plan. In addition to policies (Policies GBA2, CP2, CP7 and DBE10) from the Epping Forest District Local Plan (1998) and Alterations (2006) (the adopted Local Plan), the Council relies upon three emerging policies in its reason for refusal: emerging Policies DM4, DM9 and DM10.
3. Paragraph 48 of the National Planning Policy Framework (2021) (the Framework) states that local planning authorities may give weight to relevant policies in emerging plans according to: -
 - a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to the Framework. As the emerging Local Plan was submitted prior to the transition period set out in paragraph 220 of the Framework, the version of the Framework against which the policies are to be considered is that which was published in March 2012.
4. I have been provided with draft wording for the policies that the Council considers most relevant to this appeal and their aims correspond closely to those set out in Section 7 of the Framework as it stood in 2012. The Council has provided copies of correspondence between them and the Inspector

considering the emerging Local Plan and whilst this indicated no overarching concern on the policies referred to in the decision letter, detailed changes may yet occur to them. Taking this into account and given the advanced stage of the emerging Local Plan I have afforded those policies moderate weight.

5. Various spellings appear in the evidence before me of the spelling of Teazle Meade. I have used that which appears on the application form submitted by the appellant.

Main Issue

6. The main issues in this appeal are: -

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework -2021- (the Framework) and relevant development plan policies, including any relevant effects on the openness of the Green Belt,
- The effect of the proposal on the character and appearance of the site and immediately surrounding area, and: -
- Whether the 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/effect upon openness of the Green Belt

7. The appeal site lies on the south side of Teazle Meade and is a two storey detached house with a single storey projection on one side and a single storey garage on the other. Teazle Meade is a gated community and Gate House is the first dwelling on that side of the street, beyond the gates. Behind the site lies open countryside, accessed by a track to the side of the appeal site.
8. There is no dispute between the parties that the land is within the Metropolitan Green Belt. Policy GB2A of the adopted Local Plan identifies forms of development that are not inappropriate development in the Green Belt. A limited extension to an existing dwelling is not inappropriate providing that it accords with Policy 14A. Policy 14A states that in considering extensions to existing dwellings consideration of the effect on character and appearance is required and a limit is set on the size of the extension to no more than 40% over and above the total floorspace of the original dwelling, up to a maximum of 50m².
9. Paragraph 149 of the Framework establishes that the construction of new buildings in the Green Belt is 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. In this regard the 'original building' is the building as it existed on 1 July 1948, or, if built later, as it was originally built.
10. Taken together, these policies are broadly consistent with the aims of those parts of the Framework which seek to protect the Green Belt from inappropriate development and encourage good design, although the imposition of a 40% limit within Policy GB14A to define the size of the

extension is more stringent than the requirements of the Framework and so I afford this policy limited weight in my considerations.

11. The proposal would demolish the existing single storey elements of the dwelling before adding a ground floor extension to one side and to the rear and add a two storey extension to the other side.
12. From the evidence before me Gate House was built after the Second World War as a dwelling associated with a pig farm. At that time it was called Birch Cottage. There is no evidence before me to demonstrate that the single storey elements on Gate House did not form part of the original building.
13. The additional floor area would result in a very significant increase in floor area over that of the original building, certainly above the 40% that the Council would consider disproportionate in Policy GB14A of the adopted Local Plan. Further, the extended form would present a bulkier, more massive building when compared to that of the original building. Taken together the proposed extension would be a disproportionate addition to the building.
14. The openness of the Green Belt has both a visual and spatial dimension. The extended building would be visible from the public realm, the private street and the wider countryside. It would be readily apparent, and therefore obvious, to observers. In visual terms therefore, the increased bulkiness of the enlarged built form of the building would result in a reduction in the visual openness of the Green Belt.
15. The resultant form of the dwelling, with its two storey side extension and extensive wrap around single storey extension would increase the bulk of the upper storey and the overall depth and volume of the dwelling would also significantly increase. Given that the proposed development would increase the size of the dwelling significantly over the original, both in cumulative footprint and volume terms, the development would undoubtedly lead to a loss of openness in spatial terms.
16. The Green Belt serves five purposes, including preventing neighbouring towns merging into one another and safeguarding the countryside from encroachment.
17. Given that the development would be contained within the area of existing built form I find that it would not encroach further into the countryside and so would not be contrary to the purposes of the Green Belt.
18. However, I find that the proposal would be contrary to Policy GB2A of the adopted Local Plan as it would not satisfy the requirements of Policy GB14A in regard to openness of the Green Belt and Proportionality.
19. Although, for the reasons set out above, carrying moderate weight the proposal would also be contrary to the aims of Policy DM4 of the emerging Local Plan in as much as this classifies the disproportionate extension or alteration of a building as inappropriate development.
20. I conclude that the proposal would amount to inappropriate development in the Green Belt having regard to the Development Plan and the Framework, including any relevant effects on the openness of the Green Belt.

Character and appearance

21. Gate House lies between an established row of dwellings, which front onto Carpenters Arms Lane and Teazle Meade. Teazle Meade is a more recent development. Gate House lies beyond the gates that separate Carpenters Arms Lane from Teazle Meade and is within Teazle Meade.
22. The dwellings of Carpenters Arms Lane and Teazle Meade are of varying designs and scales. However within Teazle Meade the houses are larger, more substantial dwellings than Gate House.
23. The proposal would increase the size of Gate House to become more reflective of those in Teazle Meade
24. Gate House lies within a large plot and the proposal would fit within this, leaving a substantial area behind the dwelling. In doing so, the area to the rear would reflect the layout of gardens for those dwellings fronting Carpenters Arms Lane, rather than the plots typical of Teazle Meade, which have proportionately shorter rear gardens. The proposal would, however, retain a front garden of a size comparable to those of the dwellings of Teazle Meade.
25. Whilst I have found that the proposal would be a disproportionate extension of the dwelling when considered in terms of its effect on the Green Belt, the overall scale and proportions, when viewed from the front and in plan are not disproportionate when compared to those of its immediate neighbours
26. The development would, therefore fit between the older and newer development along Carpenters Arms Lane/Teazle Meade, forming a transition between the two, reflecting different aspects of each development and would not be out of keeping within that wider area.
27. I conclude that the proposed development would not have an adverse effect on the character or appearance of the site or the immediately surrounding area. The proposed development would, therefore, accord with Policies CP2, CP7 and DBE10 of the adopted Local Plan in as much as these seek to protect the appearance of the built environment.
28. For similar reasons the proposal would accord with the aims of Policies DM9 and DM10 of the emerging Local Plan in as much as these seek to ensure that all new development relates positively to its context and that extensions respect or complement their setting

Other Considerations

29. The proposal would provide additional internal space within the dwelling and the appellant argues that the extension of the dwelling is necessary to provide the further space to modernise the accommodation and provide space for his family. The dwelling already provides what I would consider the basic requirements of a family home, and three bedrooms are indicated on the layout plan. There is no evidence before me to demonstrate a shortage of larger homes in the area.
30. The proposal would provide limited benefits to the local economy in terms of short term employment in the construction industry. Taken together, and given the limited scale of the development, these benefits carry limited weight.

31. The appellant considers that the garage is sub-standard in size to accommodate a modern vehicle. However there is no substantive evidence before me to demonstrate that the additional accommodation proposed needs to be provided in order to garage a vehicle.
32. The appellant has stated his aim to save energy and make the dwelling more cost-effective to run. However, there is no substantive evidence before me that this could not be achieved without the extension of the dwelling. Together, these matters have a neutral effect on my considerations.
33. I note that the site adjoins the development boundary of Thornwood, and the appellant refers to housing developments within the settlement, including 130 new homes for Thornwood. The full details of these developments and their context are not before me and I have, in any event, considered the proposal on its own merits.
34. The adopted Local Plan precedes the Framework and so I must consider whether the policies that are most important in the determination of this appeal are out of date. The policies within the adopted Local Plan which I consider most relevant to this appeal are Policies GB2A, GB14A, CP2, CP7 and DBE10. Whilst I have noted some tension between GB14A and the Framework, and I have afforded this policy less weight, these policies are generally in accordance with Sections 12 and 13 of the Framework and the basket of most important policies is, therefore, not out of date.

Green Belt Balance

35. Paragraph 147 of the Framework states that inappropriate development will not be permitted unless very special circumstances can be demonstrated. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
36. The appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. There would also be significant harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
37. Alternatively, the other considerations identified are collectively of only limited weight in favour of the proposal.
38. Accordingly, the harm to the Green Belt is not clearly outweighed by other considerations and therefore the very special circumstances necessary to justify the development do not exist. The proposal would therefore be at odds with Section 13 of the Framework.

Other Matters

39. The appellant has highlighted that the Parish Council have raised no objection to the proposed development. However, there is no obligation to the Council to determine planning applications in accordance with Parish Councils' advice.
40. The appellant has indicated that he is dissatisfied with the way in which the Council has dealt with his application. This, however, is a matter between the appellant and the Council.

Conclusion

41. The proposal would be contrary to the development plan and the Framework and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

I A Dyer

INSPECTOR