



Appeal Decision

Site visit made on 23 January 2023

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2023

Appeal Ref: APP/J1535/D/22/3294346

Sunnyview, Harlow Road, Sheering, Harlow CM22 7NB

- 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 Glyn Evans against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2919/21, dated 5 November 2021, was refused by notice dated 11 January 2022.
 - The development proposed is two storey rear extension, side dormer extensions to existing first floor and alterations to existing fenestration.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Decision Notice (DN) refers to Policies DM4, DM9 and DM10 of the emerging Epping Forest District Local Plan Submission Version 2017 (ELP). Dialogue from 2019 between the Council and the Inspector appointed to examine the ELP regarding potential Main Modifications (MMs) refers to Policy DM10. There is no further detail before me of the exact nature of any MMs to that policy or whether MMs have been made to other policies. I have also not received any compelling evidence to suggest the proposed MMs have been consulted upon or the Examination concluded. In accordance with paragraph 48 of the National Planning Policy Framework 2021 (the Framework), I am not aware of the extent of any unresolved objections to any of the quoted policies. Accordingly, these policies currently attract limited weight in my consideration of the merits of this appeal.
3. I have not found in relation to Policy CP7 of the Local Plan¹ given it relates to urban areas outside the Green Belt and the site is within the Green Belt.

Main Issues

4. The first reason for refusal on the DN refers to the effect of the proposed development on openness of the Green Belt. ELP Policy DM4 duplicates many of the exceptions to development in the Green Belt contained in the Framework and Local Plan Policy GB2A includes some exceptions. However, none of these require assessment of the effect on openness where it is already considered as part of the exception. There is no evidence before me to suggest openness is required to be considered by these policies for the proposal. As such, the main issues below do not include this matter and focus on the remaining points of contention included on the DN.

¹ Epping Forest District Local Plan (Adopted January 1998 and Alterations Adopted July 2006).

5. The Council's third reason for refusal refers to the potential effect of the proposal on neighbouring occupiers, but Shamrock, which is to the east of the site, is the only adjoining neighbouring property. I have therefore limited my assessment in respect of living conditions to that property.
6. The main issues are therefore: -
 - whether the development would be inappropriate development in the Green Belt;
 - the effect of the proposed development on the character and appearance of the existing property and the surrounding area;
 - the effect of the proposed development on the living conditions of the occupants of Shamrock, regarding outlook and privacy; and
 - if the development is inappropriate within the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

7. The Framework sets out the Government's planning policies for England and is the most up to date expression of the national policy position on development in the Green Belt. It is therefore an important material consideration in all planning decisions and Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. Local Plan Policy GB2A refers to exceptions to the presumption against development in the Green Belt, including limited extensions to existing dwellings, but these are not as extensive as those within the Framework, so it is not as positive as it is and would not be fully consistent with it. Policy DM4 of the ELP, more closely reflects the Framework, but could be subject to unresolved objections.
9. Paragraph 149 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless it meets one or more of a list of exceptions, which includes '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'. The Framework, Local Plan and ELP are silent on what constitutes disproportionate but supporting text to the latter suggests this is likely to be informed by *the characteristics of the site locality and existing buildings themselves in relation to the specific proposals*.
10. The appeal concerns a detached bungalow with rooms in its roof space. It is set within a long rectangular plot with a single storey porch to its front and a further similar projection to the rear. There are also numerous outbuildings to the rear and a detached garage to its side.
11. There are no details before me of the exact nature of how the original building was extended, but the appellant has not contested the Council's suggestion this is of two storeys to the rear. The garage is also a later addition. These do not

appear to amount to disproportionate additions over and above the size of the original building in their own right. However, the proposal is to add to these by over half the size of the floor plan of the current building. While the single storey rear projection would be removed, together with the existing two-storey extension and garage, the proposed side dormers and two-storey rear extension would constitute disproportionate additions to the original building.

12. In light of the above, I conclude that the proposal would be inappropriate development in the Green Belt, contrary to the main aims of Green Belt policy at local and national levels, which I have set out above. Having regard to the points raised above in respect of consistency and unresolved objections, I only afford limited weight to the conflict of the proposal with the local policies relevant to this main issue.

Character and Appearance

13. The part of Harlow Road within which the site is situated is formed of a mix of bungalows and other houses of diverse scale, design, and appearance arranged in long and narrow plots, which increase in length westwards toward the site. The roof form and configuration of the properties varies and includes dormer windows and some of the properties appear to have been altered. These factors contribute to the established character and appearance of the properties and how they are perceived within the surrounding area.
14. Sunnyview and its existing rear extension are already prominent over the hedge enclosing its western boundary and visible through trees and planting, albeit some distance away, adjacent to the northern boundary, as both are adjacent to public rights of way (PROW). The property is also evident within the street scene and extensions and alterations undertaken to other properties therein exhibit differing degrees of prominence due to planting and their relationship with the road frontage.
15. The proposed side dormer extensions would be set down either side of the ridge of the property but would occupy the majority of each roof slope and very little of the existing roof would be visible, as each slope would be subsumed by the extensions. These would therefore appear as visually dominant, intrusive, and unsympathetic additions to the existing roof of the property and its immediate surroundings. I am also mindful that they would be significantly larger than the gable and box dormers at other properties in the Harlow Road, particularly those at Rosendaal, to the east. The proposal would also have a different effect to large development referred to at the edge of Harlow in Gilden Way, as it is situated in a more rural context some distance to the northeast.
16. The proposed two-storey rear extension would be visible from the road and PROW, as well as from Shamrock and its garden, but its scale, form, and appearance would not overwhelm Sunnyview, and the extension would clearly be read as a later addition. Moreover, the extension would be set slightly down of the existing roof, in at each side and be constructed of contrasting facing materials that would be complementary to the palette of materials for the other external alterations to the property.
17. Despite my findings in relation to the proposed two-storey rear extension, I conclude that the proposed side dormer extensions would have a significantly harmful effect on the character and appearance of the existing property and the surrounding area. Hence, the proposal would conflict with the design aims

of Local Plan Policies CP2 and DBE10; ELP Policies DM9 and DM10; and paragraph 130 of the Framework.

Living Conditions

18. Sunnyview is sited forward of its neighbour, Shamrock, and separated from it by the path serving that bungalow and the appellant's garage or the space behind it. The existing bungalow is therefore a reasonable distance from Shamrock, which somewhat limits the visual impact of the property when seen from that property and its garden. The east roof slope of Sunnyview includes a rooflight serving the first-floor bathroom. Given the location and nature of the room it serves, the incidence of any overlooking is likely to be very limited.
19. The proposed two-storey rear extension would elongate the existing form of the property further northward within the site, but with a different external appearance. The side dormer extensions would also bring a higher part of the roof closer to it flank wall. While both would be visible from the windows in the side elevation of Shamrock, the space behind the garage would be retained, which would provide sufficient separation from the proposed extensions to ensure that they would be unlikely to appear oppressive or create an enclosing effect when viewed from within the property or its garden.
20. The proposed extensions would include several windows facing east toward Shamrock. Those proposed in the roof slope of the rear extension would be high-level rooflights which are unlikely to permit outlook downwards or into adjacent windows. The first window towards the front of the side dormer extension would overlook the front garden of Shamrock, which is largely open to views from the street. The remaining two windows in the dormer are for bathrooms, so could reasonably be controlled to be obscure glazed to avoid overlooking.
21. The remaining windows to the first floor of the rear extension would be in a similar position to the existing window at first floor, but the resultant outlook from them would be from further back into the site. Nevertheless, the views that would be likely to be available toward the rear garden of Shamrock would be similar to those already experienced by occupants of either property. I am also mindful that there are large trees along a significant portion of the boundary between the two properties and other planting and a shed, either side of the boundary, closer to Shamrock.
22. In light of the above, the extent of overlooking that would be permitted from the proposed extensions would therefore not be excessive.
23. I therefore conclude that the proposed development would not have a harmful effect on the living conditions of the occupants of Shamrock, regarding outlook and privacy. Hence, it would accord with the aims of Local Plan Policy DBE9, ELP Policy DM9 and paragraph 130 of the Framework regarding such matters.

Other Considerations

24. I have carefully considered the reasons why the appellant has applied for planning permission for the proposed extensions and, due to existing health conditions, the appellant's wife would benefit from a dedicated bathroom facility at first floor, as there is currently only a shared bathroom at that level. I do not doubt this would improve her quality of life and wellbeing, but the existing facilities are not insignificant and there would be a similar number of

bathrooms in the existing and proposed accommodation. Furthermore, the inclusion of a lockable study to store sensitive documents in connection with her work could be achieved without the proposal. I therefore afford these personal circumstances limited weight.

25. The appellant has referred to two possible fallback positions regarding potential extensions to the property in respect of single-storey and two-storey extensions enabled by 'permitted development' rights. I have taken these to be those referred to in Schedule 2, Part 1, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the Order). However, as outlined above, there is an existing two-storey extension at the rear of the original property, which the appellant states is 3.2m in length. This is therefore already beyond what is permitted by the Order, so could not constitute a fallback position.
26. The Order also enables single-storey extensions of eight metres, but first requires an application for prior approval to the Council. Cumulatively, with the existing extension, the proposal would be to a lesser length than such an extension but would be of two-storeys. This would therefore not be comparable with this aspect of the appeal scheme, which would have a greater effect.
27. The external materials of construction of the proposal would include timber from sustainable sources, which would be capable of capturing CO₂ and could improve heat and sound insulation of the building. This would amount to an environmental benefit but, given the magnitude of the proposal, it would be limited in scale and kind.
28. The proposed extensions would not result in the loss of a bungalow in accordance with ELP Policy H1, but compliance with this policy would neither weigh in favour nor against the appeal scheme.
29. At the time of my visit Inzing, which is two properties to the east, was in the process of being altered and extended in conjunction with an approved scheme to raise its roof to create a second storey served by rooflights and gabled dormers; and extend it to the side and rear by two storeys and one storey, respectively. The resultant property would have a similar height and appearance to The Hollys and Mulberry Cottage, but the side extension would be set down from the altered roof. The single-storey rear extension would be large with, what appears to be, a crown roof.
30. Inzing was modest in size, being a bungalow with a single storey rear projection. While the Council assessed the application under the Framework exception for replacement buildings, this requires proposals are not materially larger, which is similar to the test for disproportionate extensions. The existing bungalow will double in size but the Council accepted this would comply with its policies and the Framework. The appellant has indicated the appeal scheme would increase Sunnyview from 154.257sqm to 243.67sqm, which is over half as big as the existing. Both schemes would amount to large increases of similar size, but I am mindful that the appeal property has already been extended considerably. I am also referred to the outbuilding to the rear of Inzing, which is positioned adjacent to the northern PROW, but it is unclear whether this required permission.
31. Corner Cottage, southwest of the site, is a large house, the form of which results from numerous extensions and alterations carried out throughout the

1940s to 1970s. While these are likely to have led to large increases in the size of the property, it is unclear whether their applications would have required consideration in relation to any Green Belt policies. It is therefore not possible to determine whether they would be comparable with the appeal scheme.

32. I have been referred to extensions at 54 Sheering Lower Road², but this is not a property within the Green Belt. The aerial view provided by the appellant, of a property in the Green Belt visible from the appeal site, is unclear as it does not identify the specific property. In any event, it is unclear when the extensions were built, if permission was required or sought, and if Green Belt policies applied.
33. The proposed side dormers are also significantly larger than those to either side of Rosendael; and the extensions would be larger than those approved by the Council at The Hollys³. For these reasons, the proposal is not comparable with these extensions and alterations.
34. For the above reasons, I afford limited weight to the argument that the appeal scheme would not have a more harmful effect than any of the aforementioned schemes. They should also, equally, not be used to justify any additional harms to the Green Belt or character and appearance of the surrounding area that would be caused by the nature and extent of the appeal scheme.

Other Matters

35. The appellant has referred to the conduct of the Council in the determination of the planning application, including the nature and clarity of the advice given, the consistency of its decision-making, and the quality of the post-decision advice given in relation to its refusal. However, these are primarily not matters for me to consider as part of this appeal, which amount to the individual merits of the proposal in relation to the relevant policies and evidence before me.

Planning Balance and Conclusion

36. The appeal proposal is inappropriate development in the Green Belt. This is harmful by definition, which renders the appeal scheme contrary to the aims of the development plan and the Framework. The harm to the character and appearance of the existing property and the surrounding area would also be contrary to relevant development plan policies.
37. The Framework advises that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to it by reason of inappropriateness, and any other harm resulting from the proposal, is 'clearly outweighed by other considerations.'
38. The personal circumstances of the appellant and his family, alongside the other considerations raised, have to be considered against the harms to the Green Belt and the character and appearance of the existing property and its surroundings. Moreover, the other considerations that have been advanced are not sufficient to clearly outweigh the harm to the Green Belt and the other harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

² Planning Reference: EPF/0453/19.

³ Planning Reference: EPF/0147/22.

39. The development plan predates the current Framework, and I have already indicated that the conflict with the relevant local policies regarding the Green Belt should be afforded limited weight. Furthermore, the policies of the ELP relevant to the determination of the second main issue could be subject to unresolved objections so the conflict with these would also be afforded limited weight. However, the design aims of Local Plan Policy CP2 would be generally consistent with those of the Framework. The conflict of the proposal with this policy is therefore a significant concern.
40. The proposed development would be contrary to the development plan. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR