



Appeal Decision

Site visit made on 2 February 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2023

Appeal Ref: APP/J1915/D/22/3296362

7 Henderson Place, Epping Green, Hertford SG13 8GA

- 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 Tony Robinson against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2946/HH, dated 24 November 2021, was refused by notice dated 20 January 2022.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal was refused by the Council at the same time as a very similar extension to the neighbouring property at No. 6 Henderson Place. Both applications were submitted for appeal using the majority of the same evidence. I have considered the No. 7 appeal separately¹, but have addressed that the schemes have been purposely designed to mirror each other.
3. The parties refer to the Listed Building of Epping House. Although it is no longer a school, the official list entry describes it as Epping House School, and so I have referred to it as such throughout my decision.

Main Issues

4. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') (2021) and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt;
 - The effect of the development on the character and appearance of the area, including on the setting of the Listed Building Epping House School; and
 - 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 necessary to justify the proposal.

¹ APP/J1915/D/22/3296361

Reasons

Inappropriate development in the Green Belt

5. The appeal site falls within land defined as Green Belt, within a small group of properties developed within the former grounds of the grade II Listed Building Epping House School. Policy GBR1 of the East Herts District Plan (2018) ascertains that planning applications in the Green Belt will be considered in line with the provisions of the Framework.
6. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions
7. The relevant exception for this appeal under paragraph 149 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. The Framework does not provide a definition of 'disproportionate additions', and therefore an assessment of whether the proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.
8. Being only a first floor extension above an existing extension, the footprint of the dwelling would not be increased. However, its overall floorspace and volume would be increased. I have not been presented with volume figures, and the main parties have offered slightly different figures for the percentage increase in floorspace. However, even using the appellant's figures as the most conservative, this would add 24sqm of new floorspace, resulting in a dwelling approximately 68% larger than the original. In consideration of the associated massing of the extension including its continuation of the main ridge height, this increase would amount to a substantial addition to the property. I find it to be disproportionate over and above the size of the original building.
9. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. I give substantial weight to any harm to the Green Belt. The proposal would therefore conflict with policy GBR1 of the East Herts District Plan, and the associated policies of the Framework.

Openness

10. A fundamental aim of Green Belt policy is to keep land permanently open, as set out in the Framework paragraph 137. Openness is an essential characteristic of the Green Belt that has both visual and spatial aspects. The appeal property is visible from the adjacent road and from other nearby points. The openness of the Green Belt is clearly evident around the property and the wider area, despite the presence of the neighbouring dwellings and the much larger scale of Epping House School. In spatial terms, the erection of a first floor extension would result in built development where there is presently none. The proposal would thus increase the volume, height, and massing of the existing dwelling. It would therefore result in considerable harm to openness, to which, as set out in the Framework, I give substantial weight.

Character and appearance and Listed Building

11. No. 7 Henderson Place is a detached 2-storey dwelling, with single storey rear and side extensions plus a detached garage. It is one of several constructed in the early 2000s as part of the conversion and redevelopment of the grounds of the Listed Building Epping House School. It sits to the left of a driveway and courtyard facing towards Epping House School, with No. 6 being a near mirror copy to the right-hand side. The appeal proposal is for a first-floor rear extension, above the ground floor extension.
12. Policy HOU11 of the East Herts District Plan specifically requires extensions to dwellings to generally appear as a subservient addition. It also identifies that they should be of a size, scale, mass, form, and design that are appropriate to the character, appearance and setting of the existing dwelling and the surrounding area. Similarly, the District Plan policy DES4 requires all developments to display a high standard of design and layout, and to respect the character of the site and the surrounding area, in terms of scale, height, and massing through volume and shape.
13. The proposed roof would not give the impression of subservience. This is because it would maintain the same ridgeline height, and would create a bulky roof form despite reflecting the host's roof pitch. As such it would unbalance the appearance of the original dwelling. Due to the dwellings' spacious plots and the surrounding vegetation and countryside, the character of the area is predominantly rural and very open, despite the cluster of dwellings. Introducing such significant and disproportionate higher level massing to the relatively modest sized original dwelling would therefore be harmful to this character.
14. I acknowledge that the scale of the dwelling's resulting massing would be less than that of Epping House School and some of the other larger dwellings, and also that it would incorporate matching materials to the host. However, this would not mitigate the individual impact of the proposal and its dominance over its host. Similarly, this impact on the area's overall character would not be mitigated even with the potential retention of symmetry and balance overall due to the mirror design of the proposals for No. 7 and No. 6.
15. I also have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the impact of the proposal on the special architectural and historic interest of listed buildings and their settings. The significance of the statutorily listed building of Epping House School is in its historic origin as a country house within its wider grounds, alongside some of its structural features. Its setting now includes the various dwellings constructed within its former grounds.
16. While not a historic layout, the appeal site now acts along with No. 6 as entrance lodge style features to the side flank of the listed building. The symmetry of the 2 dwellings and their courtyard arrangement are therefore key features of the appeal site and of the setting of this aspect of the listed building. Although change does not automatically bring harm to a designated heritage asset, the proposal would disproportionately increase the dwelling's overall massing. This would be to an extent which would unbalance the symmetry around the courtyard setting. This is notwithstanding that Epping House School is of a greater scale and set amongst recent development, and that the proposal would not directly block any key views.

17. Overall, I find the proposal would cause less than substantial harm to the visual setting of the Listed Building, with no public benefits which would outweigh this harm. This would conflict with policy HA7 of the District Plan, whereby proposals that affect the setting of a Listed Building will only be permitted where the setting of the building is preserved.
18. I acknowledge the mirror proposal for No. 6 but have not been presented with a mechanism whereby I could be certain that both schemes would be built, or would be built concurrently. While I have considered whether a suitable condition would achieve this aim, conditions are required to meet the tests outlined in paragraph 56 of the Framework and the Planning Practice Guidance. Thus, I do not find that a suitable condition could be imposed. Therefore, I cannot be confident that this symmetry would remain even if I were to allow both appeals, and have, in any event, considered the appeal on its own merits.
19. In conclusion therefore, I have found that the proposed development would result in moderate harm to the character and appearance of the area, and less than substantial harm to the setting of the Listed Building Epping House School. I give this harm significant weight. It would therefore be contrary to policies DES4, HOU11, and HA7 of the East Herts District Plan, and Section 16 of the Framework.

Other considerations

20. The proposal would provide the dwelling's occupiers with additional accommodation. However, this is a private benefit and therefore attracts only minor weight. I have not been provided with any substantive evidence that the conversion to a 3-bed dwelling would be a particular benefit to the area's housing stock, and so I have not taken this into account. The efficient use of the existing ground floor footprint is a neutral matter in my determination.
21. The appellant highlights other Henderson Place dwellings which have gained planning permission for various extensions. However, I do not have detailed information before me to allow comparison of factors such as the size of those extensions relative to their original hosts, or their positioning. Even if I did, I have outlined above that the assessment of Green Belt impact is necessarily a matter of planning judgement, and depends on a range of specific site circumstances. For the same reasons, the recent appeal decision example from another local authority area does not lead me to make the same conclusion in this case. These examples have thus had no direct bearing on my decision.

Green Belt Balance

22. In summary, the proposal would be inappropriate development in the terms set out by the Framework and would result in a harmful loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt. Moreover, the scheme would harm the character and appearance of the area and to the setting of Epping House School which is a designated heritage asset. I attach significant weight to this harm. For the reasons set out above, the harm to the Green Belt and to the character and appearance of the area and to the setting of Epping House School, would not be clearly outweighed by any other considerations, and therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated.

Conclusion

23. In conclusion, the proposed development would conflict with the development plan as a whole. With no other material considerations indicating otherwise, including the Framework, for the reasons given above, I conclude that the appeal is dismissed.

L Hughes

INSPECTOR