



Appeal Decision

Site visit made on 2 March 2023

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2023

Appeal Ref: APP/J1535/D/21/3288776

Robins Acre, High Laver Road, High Lave, Ongar CM5 0DX

- 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 S Johnson against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/1876/21, dated 7 July 2021, was refused by notice dated 19 September 2021.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the refusal of the application, the Council has adopted the Epping Forest District Local Plan (the DLP) on 6 March 2023. This document replaces the saved policies of the Epping Forest District Local Plan (January 1998, Alterations July 2006), which no longer carry any weight in decision making. The parties have been afforded the opportunity to comment on this change to the development plan context.

Main Issues

3. The site lies within the Metropolitan Green Belt. Therefore, the main issues are:
 - Whether the proposal amounts to inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area;
 - If the development is inappropriate, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether Inappropriate Development

4. The Government attaches great importance to Green Belts. Paragraph 149 of the National Planning Policy Framework (July 2021) (the Framework) states that the construction of new buildings within the Green Belt is inappropriate development but lists certain forms of development which are not regarded as inappropriate. This 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. Policy DM4 of the DLP sets out the approach to development in the Green Belt, reflecting the wording of the national approach set out in the Framework.

5. The appeal relates to a detached dwelling set amid open countryside to all sides. It has been subject to past extensions, most notably a rear two storey extension creating an L-shaped plan form. A large barn-like outbuilding, itself subject to past extension and standing partly at two storeys, sits closely behind the dwelling and contains annex accommodation. The dwelling has gardens to the front, sides and rear, with trees and hedgerows to the roadside boundary.
6. The proposal is for a two storey side extension which would match the height and form of the existing front elevation. The Council considers that the proposed extension, taken together with previous extensions, would result in disproportionate additions over and above the size of the original building.
7. The proposal, by the appellant's calculations, would result in a 100% increase in floorspace when taken with previous extensions. There is no definition within the DLP or the Framework of what constitutes a 'disproportionate addition.' The appellant has pointed to other decisions made by the Council where increases of between 62% and 100% have been found not to be disproportionate. However, in the absence of specific guidance, whether the proposal would result in 'disproportionate additions' is ultimately a matter of judgment based on the particular facts in each case.
8. A 100% increase over the size of the original dwelling is, by any measure, significant. I appreciate that the Council may have reached different judgments on other proposals referred to by the appellant, but on the evidence before me, these other developments involve proposals of different scale and form, some notably smaller than the degree of increase proposed here. As such, I find these other decisions of limited relevance to the proposal before me, which I have treated on its own merits.
9. Taking an overall view, the proposal would result in extensions to both sides of the original dwelling and at the rear. In addition, there is the substantial annexe building to the rear which is arguably close enough to be considered as an extension of the main dwelling, though I accept that neither main party has advanced this as a consideration. This aside, the proposal would still result in a doubling of size compared to the original dwelling. In the circumstances, I find that this would result in disproportionate additions over and above the size of the original building. As such, the proposal would amount to inappropriate development in the Green Belt, in conflict with Policy DM4 of the DLP and the approach of the Framework.

Effect on Openness

10. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect.
11. The proposal would add a two storey extension to the side of the dwelling in a part of the site with no existing built form. It would be clearly visible from the road, creating a demonstrably broader front elevation to the dwelling. In both

spatial and visual terms, therefore, the proposal would result in a demonstrable loss of openness.

Character and Appearance

12. The dwelling stands by itself within an open, agricultural landscape. Although large, the dwelling maintains a balanced composition when viewed from the front through the articulation of the front gable and the modest scale of the existing side extension. The rear extension, through the use of darker red brick along the side wall, is less visually prominent from the road and its scale is consequently less apparent.
13. The proposed extension would take the same form as the existing front elevation, effectively mirroring the massing on the opposite side of the gable, resulting in a broader front façade. The appellant asserts that by matching the ridge and eaves lines of the existing building, the proposal would create a more balanced appearance across the front elevation. However, the elevation would not be perfectly symmetrical and there would be a lack of articulation or subservience between the existing dwelling and the proposed extension, with the prominence of the front gable notably diminished due to the extension matching it in height. The resulting elongated form of the front elevation would have a dominant, bulky massing and overly horizontal emphasis that would detract from the original form of the dwelling, the design and proportions of which would no longer be legible.
14. I accept that as a standalone dwelling, the proposed extension would not upset any established scale or pattern of development within the wider area, which is sporadic but includes larger, detached dwellings and clusters of substantial farmyard buildings. However, Policy DM9 of the DLP requires development to achieve high quality design, having regard to form, scale and massing. For the reasons set out, I conclude that the proposal would not represent high quality design, and therefore would cause harm to the character and appearance of the area, in conflict with Policy DM9 and the similar design-related aims of the Framework, though I accept that this harm would be localised in nature and thus a factor of limited weight against the proposal.

Other Considerations

15. The Council has subsequently granted permission¹ for a two storey extension on the site with a lower roof height and slightly narrower width. The appellant has expressed that this scheme is not the preferred option, but it nevertheless represents a tangible fall-back option which is a significant material consideration.
16. The approved extension would be smaller in overall scale than that sought through the appeal scheme. The evidence before me does not indicate whether the Council considered this extension to amount to inappropriate development in the Green Belt, but based on the plans before me, it is demonstrably less bulky and therefore would not have a comparable or worse effect in terms of contributing towards disproportionate additions or causing a loss of openness.
17. Moreover, these plans indicate that the approved scheme would represent a more proportionate scale of development compared to that proposed through the appeal scheme, due to the lower ridge height and narrower width. As such,

¹ Council Ref EPF/0188/22, granted 21 March 2022

this scheme represents a more coherent design which creates more articulation and visual interest to the front elevation in particular.

18. Consequently, I find that the approved scheme is preferable to the appeal scheme in terms of its design and effect on the character and appearance of the area. Therefore, as this fall-back option would not present an equivalent or greater degree of harm than the appeal scheme, it would not justify granting the appeal proposal and is not a matter attracting favourable weight in the planning balance.
19. There would be some economic benefits from the construction of the extension. However, these benefits would attract only limited weight given the scale of the development and their temporary nature.
20. I acknowledge that the proposal would create additional living space for the appellants, but this would be a private benefit and one largely achievable through the approved scheme. As such, it is a consideration of very limited weight.

Whether very special circumstances exist

21. The proposal would cause harm to the Green Belt by way of inappropriateness and loss of openness, to which I afford substantial weight in accordance with the Framework, which adds that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. In this case, I have also found limited harm to the character and appearance of the area.
22. For the reasons set out above, I give only limited weight to the material considerations in support of the proposal and conclude that, taken together, they do not clearly outweigh the harm the scheme would cause. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.

Conclusion

23. The proposal would result in conflict with the development plan, taken as a whole. Material considerations in this case, in particular the Framework, do not indicate that permission should nevertheless be forthcoming in spite of this conflict.
24. Therefore, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR