



Appeal Decision

Site visit made on 28 March 2023

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2023

Appeal Ref: APP/J1535/W/22/3296568

West Lodge, Coppice Row, Theydon Bois, Epping CM16 7DR

- 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 Darren Burchett against the decision of Epping Forest District Council.
- The application Ref EPF/3087/21, dated 1 October 2021, was refused by notice dated 3 February 2022.
- The development proposed is proposed provision of habitable accommodation within the roof space of the existing dwelling, by raising the eaves from 2.3 metres to 2.8 metres and ridge from 4.5 metres to 5.5 metres and by extending the pitched roof over the existing flat roof sections of the dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. For brevity, I have used the description of the development from the decision notice in the banner heading above.
3. The Epping Forest District Local Plan 2011 to 2033 (Local Plan) was adopted by the Council on 6 March 2023. This has replaced the Epping Forest District Local Plan (1998) and the Epping Forest District Local Plan Alterations (2006), such that the policies of these plans cited on the decision notice are no longer part of the development plan and have no weight. I have therefore determined the appeal having regard to the relevant policies within the Local Plan. Both main parties have had the opportunity to comment on this during the appeal.
4. An Arboricultural Report and Arboricultural Implications document was submitted as part of the appeal. The Council and third parties have had the opportunity to comment on this document as part of the appeal process. As such, no party has been prejudiced by its submission at this stage. As a result, the Council confirmed that it no longer wishes to defend its third reason for refusal and I see no reason to disagree.
5. The appellant has provided a signed Unilateral Undertaking (UU) pursuant to section 106 of the Town and Country Planning Act 1990 (as amended). The UU is concerned with precluding the occupants and future occupants from implementing a fallback scheme resulting from a prior approval (Ref: EPF/3050/19) and a certificate of lawful development (Ref: EPF/1334/19). I shall return to the fallback scheme and the UU later in my decision.

6. The appellant has submitted an amended plan as part of the appeal showing external wood panelling to the scheme as an alternative, if I consider this to overcome any design concerns. The appeal process should not be used to progress alternatives to a scheme that has been refused. However, where amendments are proposed, regard should be had to the 'Wheatcroft' principles - including whether the amendments would materially alter the nature of the application and whether anyone who should have been consulted on the changed development would be deprived of that opportunity.
7. In this instance, the changes are small and do not alter the size or form of the proposal. In my view, the amendments would not materially alter the proposed development such that to grant it would result in a development substantially different from that previously consulted upon. I have therefore taken the amended plans into consideration as an alternative.

Main Issues

8. The main issues are:

- Whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
- The effect of the proposal on the openness of the Green Belt;
- The effect of the proposal on the character and appearance of the surrounding area; and
- If it is inappropriate development, whether the 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 the development.

Reasons

Inappropriate development

9. Policy DM4 of the Local Plan says, amongst other things, that the construction of new buildings is inappropriate development in the Green Belt. Exceptions to this are, amongst other things, 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. This is consistent with the wording of paragraph 149 (C) of the National Planning Policy Framework (2021) (the Framework).
10. Considering the extensions already undertaken to the original building, the appeal proposal would amount to a disproportionate addition. Moreover, I note that this matter is not in dispute between the main parties. Accordingly, the proposed development would be inappropriate development in the Green Belt. It would therefore be at odds with Policy DM4 of the Local Plan and paragraph 149 (C) of the Framework in this regard.

Openness

11. A fundamental aim of Green Belt policy, as set out in paragraph 137 of the Framework, is to keep land permanently open. This openness is an essential characteristic of the Green Belt and has a spatial and visual aspect.

12. The appeal property can be seen from Coppice Row, the public footpath on the opposite side of Coppice Row and the public footpath running past the property toward Loughton. It currently has a distinctly low profile and, due to its scale and boundary treatments, the dwelling is not a dominant feature within the Green Belt. In contrast, the resulting increased massing of the building from the alterations to the roof would have a much greater presence locally.
13. As such, despite a small reduction in the footprint of the dwelling, the visible manifestations from the proposed increased height would have a harmful impact visually on the openness of the Green Belt.
14. Green Belt purposes that appear to be served by the designation of the appeal site within the Green Belt include, amongst others, checking unrestricted sprawl and safeguarding the countryside from encroachment. Considering my findings on the visual aspect, the visible manifestations of the additional massing of the dwelling, would impact on the related Green Belt purposes.
15. I therefore conclude that the proposal would lead to a loss of Green Belt openness and would impact on the purposes of including the land within the Green Belt. Therefore, it would be contrary to the relevant Green Belt guidance within Policy DM4 of the Local Plan and the Framework, insofar as they relate to this matter.

Character and appearance

16. The appeal property, although much altered from its original form, remains an attractive single storey dwelling of an arts and crafts style. Other properties along Coppice Row are a mix of styles and material finishes. However, the property is divorced from these other dwellings and is seen within a woodland setting as the housing in Theydon Bois dissipates when leaving the settlement. It therefore has a stronger relationship to the natural environment than the built environment in Theydon Bois.
17. West Lodge has distinctive chimney stacks that rise considerably above the ridge line and are visible over the boundary hedgerow along Coppice Row. Its use and pattern of timber panelling, in combination with the use of timber elsewhere externally, contributes to the property's quirky rustic charm. This, along with its low-profile, helps to assimilate the building with the surrounding woodland setting. The discreteness emanating from its low height ensures that the beauty of the surrounding natural environment remains prominent. The building thus makes a positive contribution to the character and appearance of the surrounding area.
18. The proposed large gap between the ground floor fenestration and eaves, enlarged roof structure and fenestration design would have a distinctly contemporary appearance. Contemporary design, can, in some circumstances, be an appropriate approach to an extension or alteration of a building. However, in this instance, the resulting enlarged scale and appearance would result in a striking and dominant dwelling from Coppice Row, the footpath on the opposite side of Coppice Row and the footpath passing the property.
19. Moreover, the proposed loss of the entrance porch canopy, external wood panelling and reduction of the gap between the ridge and top of the chimneys would result in the loss, or erosion of, features that make a positive contribution to the appearance of the host property.

20. Overall, the proposal would erode the quirky rustic charm and discrete qualities of the host property that positively contributes to its appearance, with a contemporary design of a striking scale and appearance that would, as a result, detract from the natural scenic qualities of its surroundings.
21. The alternative option with wood panelling would not overcome my concerns regarding the alterations to the massing of the property. Moreover, the planting adjacent to the property, as put forward, would not be sufficient, in my view, to soften or mitigate the alterations to the roof structure.
22. To conclude on this main issue, the proposed development would have a harmful effect on the character and appearance of the surrounding area. I therefore find conflict with the requirements of Policy DM9 of the Local Plan and the Framework, insofar as they relate to this matter. These say, amongst other things, that development proposals for extensions or alterations to residential buildings will be required to respect and/or complement the form, setting, period, and detailing of the original buildings. Matching or complementary materials should be used. The Council referred to Policy DM10 of the Local Plan in its reason for refusal. However, this is concerned with new housing design and quality rather than alterations to existing houses. It has not therefore been determinative in my assessment.

Other considerations

23. The property has not had any permitted development rights restricted and the appellant has provided evidence of a fallback scheme and CGI images illustrating its visual effects. A UU is provided with the appeal and the appellant has offered to impose limitations on further permitted development rights, were I minded to allow the appeal.
24. The appellant has made steps to secure prior approval and the certificate of lawful development and has a need for additional accommodation. As such, I am satisfied that if the appeal proposal were not allowed, there is every likelihood that such a fallback would be pursued. I therefore give the fallback scheme significant weight.
25. The fallback scheme would maintain the low profile of the dwelling, and the built form would not be as dominant from Coppice Row, or the footpath on the opposite side of the road, as the appeal scheme would be. Moreover, whilst the fourth bedroom extension and Gym/Garden Room would be prominent from the footpath passing the property, they would be single storey in scale and would reflect the proportions of the host property. The pool building would be a large single storey structure, but it would be discretely located within the plot.
26. Overall, the fallback scheme would better preserve the discrete qualities of the host property and the scenic beauty of its surroundings. I therefore find that the appeal scheme would have a considerably greater harmful effect on the character and appearance of the surrounding area than the fallback scheme.
27. Given the differences in volume between the appeal scheme and the fallback scheme, the fallback scheme would have a greater impact spatially on the openness of the Green Belt. Even so, the additional massing to the roof structure of the existing dwelling from the appeal scheme would be more prominent in public views than the additions from the fallback scheme. As such, considering both the spatial and visual aspects of openness, I find the

harm from the appeal scheme to the openness of the Green Belt to be greater than the fallback scheme.

28. Extending the property would meet the appellant's need for increased accommodation, improving the living conditions within the property. These aspects are supported by the Framework and weigh in favour of the scheme. Although the woodwork on the building requires maintenance this is not an unusual situation. Moreover, there is no firm evidence of a security or safety risk from the existing layout. I afford these personal benefits limited weight.
29. The proposal would provide the opportunity to improve the energy efficiency of the property and I note the intentions of the appellant to install solar panels and an air-source heat pump. However, there is no firm evidence that all of the measures are dependent on the implementation of the appeal scheme, moderating the weight I afford them and, in any case, the benefits to the public would be very minor.
30. It is put to me that the timber panelling could be removed from the existing property. However, the panelling could have been removed previously but hasn't been, and I have no firm evidence that this would realistically be undertaken if the appeal proposal were not allowed, limiting the weight I afford this matter. Moreover, even if the timber panelling were removed from the host property, this would not be sufficient to outweigh my concerns on the design.
31. I have been referred to other schemes, including at Oak Hill Farm and Piercing Hill, which considered fallback positions. It will be seen from my decision that I have given significant weight to the fallback scheme. However, each site has its own characteristics and I have considered the appeal on its own merits having particular regard to the height, location and form of the fallback scheme, in combination with the characteristics and location of the host property and its woodland setting. In this regard, the circumstances of the other schemes are not directly comparable to those before me.
32. The compliance with policies of the Local Plan is an expectation of the planning system. Moreover, the absence of harm in relation to other considerations are neutral matters that weigh neither for nor against the proposal.

Conclusion

33. To conclude, the other considerations do not clearly outweigh the substantial weight given to the harm to the Green Belt by reason of inappropriateness and the other harm I have identified. Therefore, the very special circumstances necessary to justify the proposed development do not exist.
34. The proposed development would therefore conflict with the development plan when read as a whole and there are no material considerations that would outweigh that conflict.
35. For the reasons given above, the appeal is dismissed.

Mr R Walker

INSPECTOR