



Appeal Decision

Site visit made on 22 June 2023

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2023

Appeal Ref: APP/J1535/D/22/3304864

1 Reformatory Cottages, Harlow Tye Road, Matching, Essex CM17 0PG

- 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 Stuart Brown of Grange Builders LLP against the decision of Epping Forest District Council.
 - The application Ref EPF/1016/22, dated 3 May 2022, was refused by notice dated 1 August 2022.
 - The development proposed is Alterations to existing garage roof to provide home office.
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Decision

1. The appeal is allowed, and planning permission is granted for Alterations to existing garage roof to provide home office at 1 Reformatory Cottages, Harlow Tye Road, Matching, Essex CM17 0PG in accordance with the terms of the planning application Ref. EPF/1016/22 dated 3 May 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans/drawings Ref. Site Plan; 203/07; 203/08.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those set out in the planning application form dated 3 May 2022.
 - 4) The development hereby permitted shall only be used for purposes incidental to the residential use of the main dwelling and shall not be used for any primary residential accommodation.

Procedural Matters

2. Since the appeal was lodged, the Epping Forest District Local Plan (2023) (the LP) has been adopted by the Council, replacing the policies of the Epping Forest Local Plan (adopted 1998, modified 2006). I have given the Council and the appellant the opportunity to comment upon the implications of this for their cases and taken these into account in the determination of this appeal.
3. Since the Council issued its decision, a judgement was made in the case of Warwick District Council v Secretary of State for Levelling Up, Housing & Communities [2022] EWHC 2145 (Admin) (the Warwick Judgement). I have

given the Council and the appellant the opportunity to comment upon any implications of this for their respective cases and taken any responses received into account in determining this appeal.

Main Issues

4. The main issues are:

- whether or not the proposal would be inappropriate development in the Green Belt; and,
- the effect of the proposal upon the character and appearance of the area.

Reasons

Inappropriate development

5. The appeal site is within the Green Belt, where paragraph 137 of the National Planning Policy Framework (2021) (the Framework) identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. The Framework identifies the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to exceptions listed in paragraphs 149 and 150. An exception listed at paragraph 149c) 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 define what constitutes disproportionate additions, but in Annexe 2 it defines the original building as being as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
7. Policy DM4 of the LP states that permission will not be granted for inappropriate development, except in very special circumstances in accordance with national policy. It also states the construction of new buildings is regarded as inappropriate development, with exceptions listed as including similar types of development as set out in the Framework, including that at paragraph 149c). It does not specifically define original building, or disproportionate, however, the policy is consistent with the Framework.
8. In refusing this application, the Council cites its evaluation of a previous refused application for a different development. That concluded the previous extensions to the building including the detached garage now proposed to be extended have resulted in a floorspace increase of over 101% to the dwelling. That previously refused extension¹ would have cumulatively increased floorspace by over 110%, which the Council viewed as disproportionate. However, the parties disagree about the original floorspace, and the space created by the extensions.
9. The appeal site dwelling is part of a larger former Reform School constructed in approximately 1855. It was subdivided into four dwellings, with the appeal site dwelling comprising one end of the main building and a nearby outbuilding. The Warwick judgement confirms that a building can be regarded as being an adjunct to another building even though the two are not physically connected.

¹ Ref. EPF/0240/17.

The Council were given the opportunity to respond upon any implications of the Warwick judgement, but I have received no observations in relation to it from them. The appellant is of the view the Warwick judgement supports their case.

10. I am offered no substantive evidence the detached building should not be considered as part of the original building and did not comprise a normal domestic adjunct for the appeal property. This is not inconsistent with the view the Council took that the detached garage is an extension to the dwelling and the extension to the garage should be considered as such. Based upon the evidence before me, in the circumstances of this specific case, I see no substantive reason why the formerly detached outbuilding should not be considered part of the original building.
11. I noted some structures on the wider property, but from what I saw these are for occasional use with the garden. Given their nature, distance, and relationship to the dwelling, I do not consider them to be normal domestic adjuncts, to be considered as extensions to, or read as part of the dwelling, and there is no view put to me to the contrary.
12. The floorspace of the original building would have been approximately the 131 square metres (sqm) as advanced by the appellant. Therefore, omitting the historic outbuilding from the extensions, but including its later link, suggests even if I were to take the Council's higher floorspace figures as being correct for the other extensions, the previously permitted floorspace increase is of the order of approximately 70%. On this basis, the appeal proposal would result in a total increase of in the region of 93% of the original building.
13. The percentage floorspace increase is significantly lower than the 101% which the Council has previously permitted, and the 110% which it concluded would constitute a disproportionate addition. I am not offered any alternative figures. Therefore, based upon the evidence before me in relation to this appeal, the floorspace increase is not disproportionate. Much of the additional floorspace would be set within an eaves type roof. Having regard to the total scale, volume, bulk and overall size I do not regard the proposal as resulting in disproportionate additions over and above the size of the original building. Therefore, the proposal meets the exception at paragraph 149c).
14. For the reasons set out above the proposal would not be inappropriate development in the Green Belt. It does not conflict with Policy DM4 of the LP, or paragraphs 147 and 149 of the Framework, the relevant provisions of which I have set out above. As I have found it is not inappropriate development, there is no need to assess the effect upon openness, or, whether there are other considerations and whether they amount to very special circumstances to justify the proposal.

Character and appearance

15. The original part of the main reform school building comprises a relatively tall two storey rendered building under a steep roof with some dormer windows. It integrates a variety of other materials in subservient side and rear projections with brick and board elevations, under slate roofs of varying pitches, in front of which is the appeal garage. While it displays a varied design, roofscape and pallet, the dwelling is well-designed and creates an attractive juxtaposition of features, that respect the eminence and history of the reform school. By virtue of these attributes and its generous maturely landscaped grounds, the appeal

site is in keeping with and makes a positive contribution to the character and appearance of the area.

16. The proposal would result in a limited increase in the height of the garage with a steeper roof, and a resultant increase in height, scale and bulk. However, it would be a similar height to the eaves of the main historic element of the host dwelling, which has a significantly greater ridge height. As it would be viewed in the backdrop of the considerably larger main reform school building, it would not appear unduly large and would still appear of a subservient scale.
17. The shape, massing, form, design and materials would be complementary to the existing garage and elements of the dwelling, appearing as a well-designed addition. It would not appear unduly large, bulky or imposing. Despite being towards the front of the plot, it is set significantly back from the highway, and would be viewed in the context of its wider generous grounds. Even were there to be some significant reductions in vegetation, having regard to this situation and the quality of its design, it would not be unduly prominent, or detrimental to the character and appearance of the host building, appeal site or the wider area including the streetscape.
18. Therefore, for the reasons set out above the proposal would not be harmful to the character and appearance of the area. It would not conflict with Policies DM9 and DM10 of the LP. In combination and amongst other things, these require that development is of a high-quality design that relates positively to its context and local character including in respect of height, form, scale, and mass. It would also not conflict with paragraph 130 of the Framework which expects development is well designed to be visually attractive, add to the overall quality of an area, and is sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Matters

19. The Council does not object to the development having regard to the living conditions of neighbouring occupiers, and I see no reason to disagree.

Conditions

20. Conditions specifying the time limit and plans are necessary in the interests of certainty. A condition to require the materials are those in the application form is necessary in the interests of the character and appearance of the area. A condition to ensure the new space remains incidental to the dwellinghouse is necessary because the development does not satisfy standards considered acceptable for a separate unit of accommodation.

Conclusion

21. The development is compliant with the development plan and the Framework taken as a whole. There are no material considerations that indicate the application should be determined other than in accordance with the development plan and the Framework. Therefore, for the reasons given above, the appeal is allowed.

Dan Szymanski

INSPECTOR