



Appeal Decision

Site visit made on 29 June 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2023

Appeal Ref: APP/J1535/D/22/3306551

53 Deer Park Way, Waltham Abbey EN9 3YN

- 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 Ollie Scarfe against the decision of Epping Forest District Council.
 - The application Ref EPF/0785/22, dated 31 March 2022, was refused by notice dated 7 July 2022.
 - The development proposed is described as proposed new roof structure for detached garage, projecting front gable extension to house and associated alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would constitute inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, including the effect on openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the site and surrounding area; 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 required to justify the proposal.

Reasons

3. The appeal site is located within the Metropolitan Green Belt. The Councils Policies GB2A and GB7A of the Epping Forest District Local Plan Alterations (LPA) and emerging Policy DM4 of the Local Plan Submission version 2017 (LPSV) seek to protect the Districts' Green Belt apart from a number of exceptions broadly consistent with the National Planning Policy Framework (The Framework).
4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Development within the Green Belt is inappropriate, with certain exceptions that are set out in Framework paragraphs 149 and 150. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The appellant's evidence refers to the exceptions listed in Paragraph 149 at c) and g) and I find these to be the most relevant for the purposes of this appeal.

5. Exception c) relates to 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. Annex 2 of the Framework 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.
6. The Framework does not provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.
7. The host dwelling has previously been extended through the introduction of a rear conservatory. The proposal would increase the footprint of the property through the introduction of a three-metre projecting front extension across more than half the width of the front elevation. It would also increase its volume. The Council estimates the volume increase to be approximately 32.5% over that of the original building, a matter not disputed by the appellant. Taken together, these increases would amount to a substantial addition to the property, and one which I find to be disproportionate over and above the size of the original building.
8. Exception g) relates to limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use and in order to be acceptable, must not have a greater impact on the openness of the Green Belt than the existing development. Additionally, paragraph 137 of the Framework states that the essential characteristics of Green Belts are their openness and permanence. An assessment of openness requires consideration of both spatial and visual aspects.
9. The front extension would extend the built form further into the open area adjacent to the detached garage. Additionally, the works to the garage would see an increase in height and volume. This would reduce the gap between the buildings and cause the proposed development to have a visual effect on openness. As the effect of the proposed works would only be perceived from limited vantage points, the adverse effect on the visual openness would be moderate. Additionally, the proposed alterations to the host dwelling and garage are of modest scale and therefore have a moderate spatial impact on the Green Belt.
10. As aspects of the development would give rise to a greater impact on openness than the existing development, the scheme would not accord with the exception in Paragraph 149 g) of the Framework.
11. Consequently, the size of the proposed development would be a disproportionate addition over and above the size of the original dwelling and it would have a greater impact on the openness of the Green Belt. Therefore, the appeal development would be inappropriate development in the Green Belt in the context of the Framework. It would also conflict with Policies GB2A and GB7A of the adopted LPA and Policy DM4 of the LPSV.

Character and appearance

12. As identified above, the appeal site is within the Green Belt. The host property is a detached two-storey dwelling with rooms in the roof space. It is located at the end of Deer Park Way on a cul-de-sac forming a short row of five properties

of varying design, including projecting bays and short front gables. On the opposite side of the cul-de-sac is an area of open space formed of well-established trees and vegetation, including a pedestrian footway. As a result, there is a mixed character to the area, with built development found on one side of this section of Deer Park Way and verdant open space on the other.

13. The prevailing character of the built form is of a suburban estate of modern housing of varying layouts, styles and sizes. A limited number of which, including the appeal property, have detached garages. With the exception of the property closest to the junction, the remaining properties on this section of Deer Park Way share a consistent building line and are well-spaced out. This strong building line with open gaps provides a sense of separation between properties.
14. The host property, unlike others on the row, has its garage located at the front. Whilst not characteristic of other dwellings on the row, its modest size, hipped roof and distance from the appeal property results in it having a spacious subordinate appearance which contributes to the transition from built form to the adjacent open space.
15. The proposed alterations to the garage would not result in an increase in floor area. However, the introduction of large gable elevations would increase the scale and massing of the roof such that it would appear as a discordant addition. Furthermore, the proposal would see the ridge height of the garage roof sit above the eaves height of the host dwelling. As it would be viewed to the front of the modestly sized host dwelling, it would appear unduly large and jarring in the streetscene.
16. The proposed front extension would incorporate a two-storey gable adjoining the host roof similar in style to others on the row. It would also incorporate materials found on the host dwelling and within the surrounding area. Nonetheless, the projection of the extension at three meters would be considerably larger than those nearby and erode the established building line as a result of its height, mass and form sitting forward of the existing dwellings on the row. The introduction of a front extension of this scale would appear as an incongruous addition within the streetscene. Thereby harming the character and appearance of the area.
17. In combination, the front extension and works to the garage roof would significantly reduce the open gap that currently exists between them. This would be particularly evident on the road and from the open space, especially during the winter months. As a result, the appeal scheme would not be of an appropriate design, appearing cramped and contrived harming the character and appearance of the area.
18. I conclude that the proposed development would significantly harm the character and appearance of the area. It would fail to accord with Policies CP7 and DBE10 of the LPA and Policies DM9 and DM10 of the LPSV. These seek, amongst other things, extensions respect existing form and that development is of a high-quality. It would also be contrary to the Framework where it states developments should be sympathetic to local character.

Other Considerations

19. In support of the appeal, the appellant highlights that if planning permission were approved, the condition of the garage would be improved. However, the existing garage appeared to be in reasonable condition. The removal of the graffiti would be a slight visual improvement. Nonetheless, these improvements would not outweigh or alter my overall conclusion on the main issues.
20. I accept that the proposal would enhance the living conditions of the occupiers of the property. However, from my observations onsite and the evidence provided by the appellant, the occupiers of the property have an acceptable level of outlook, and the room receives good levels of light. As such, these personal circumstances for enhanced outlook and light carry little weight.
21. The appellant has drawn my attention to an application approved by the Council under ref: EPF/1460/15. Whilst I do not have full details of the scheme, I note this was for a side and rear extension incorporating a garage. I attached limited weight to this decision as it is not directly comparable to this development located to the front of the property. In any event, I have assessed the proposed scheme on its own merits and found there would be moderate harm to the Green Belt.
22. Taking all the above into consideration and the harm to the Green Belt I have identified, I am not persuaded that all of the above considerations would outweigh the substantial weight that should be given to any harm to the Green Belt.

Conclusion

23. The proposed development would be inappropriate development in the Green Belt resulting in a disproportionate addition to the original dwelling and a small loss of openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also be harmful to the character and appearance of the area. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
24. Given the substantial weight to be given to Green Belt harm combined with the other identified harm and the limited benefit of the proposed scheme, the harm is not clearly outweighed by other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist, such that the appeal should be dismissed.

A Hickey

INSPECTOR