



Appeal Decision

Site visit made on 11 July 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2023

Appeal Ref: APP/J1535/W/22/3311232

Howard Cottages, Church Lane, Matching Tye, Harlow CM17 0QX

- 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 David Tinney of John Tinney and Co against the decision of Epping Forest District Council.
 - The application Ref EFP/3213/21, dated 10 December 2021, was refused by notice dated 21 June 2022.
 - The development proposed is demolition of two cottages and construction of two replacement dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Epping Forest District Local Plan 2011-2033 Part One (the local plan) was adopted on 6 March 2023. I am required to determine the appeal based upon the policies in place at the time of reaching my decision. I have determined the appeal on this basis.
3. Since this appeal was made, a revised application for the development has been submitted to and approved by the Council. I have had regard to this as a material consideration in reaching my decision.

Main Issues

4. The main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - ii) the effect of the development on the character and appearance of the area; and
 - iii) whether the 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 development.

Reasons

Inappropriate development

5. The appeal site comprises a pair of semi-detached dwellings and a variety of single storey domestic outbuildings, located within a small rural hamlet known

as Newman's End. It is proposed to demolish the existing buildings on the site and to replace them with a new pair of semi-detached houses.

6. Paragraph 149 of the Framework and Policy DM4(C) of the local plan state that the construction of new buildings is inappropriate in the Green Belt. There are a number of exceptions to this, which include i) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces (note the materially larger test relates to the building(s) to be replaced and not the size of the original building(s)), and ii) limited infilling or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development.
7. Whether a proposal would be materially larger, or would have a greater impact upon the openness of the Green Belt, than an existing development, is a matter of planning judgement, taking into account matters such as footprint, floor area, volume, height, scale and massing.
8. It is undisputed that the floor area of the dwellings would increase by 131% and the volume by 168%. The figures provided for the existing buildings to be removed do not appear to take account of the garages and any other outbuildings that would be demolished. However, even taking these into account, the proposed increase would be significant.
9. To minimise the height increase, the proposed first floor accommodation would continue to utilise part of the roof space, served by dormer windows to the front and rear. The scale and massing of the dwellings would be broken up to some extent by the side wings, which would have a lower ridge height than the central section of the pair of semis, albeit with matching eaves height and gable projections to the rear. The re-positioning of the replacement dwellings, more centrally within the site frontage than the existing dwellings, would create a sense of openness between the proposal and the adjacent dwelling to the south.
10. Nevertheless, the combined increase in height, width and depth of the replacement dwellings would result in more of the Green Belt being built upon than at present, reducing the spatial aspect of its openness. The increased massing of the larger dwellings would also have a greater visual impact on the openness of the Green Belt than the existing modest dwellings and single storey outbuildings that they would replace.
11. All of these factors would result in a proposal that is materially larger than the buildings to be replaced and that would have a greater impact on openness than the existing development on the site. The proposal would therefore fail to meet the requirements of the exceptions set out in Policy DM4(C) of the local plan and paragraph 149 of the Framework. Consequently, it would be inappropriate development in the Green Belt.

Character and appearance

12. The existing dwellings, despite their age and traditional appearance, are of no significant historical and architectural merit. No objection has been raised in principle to their demolition, replacement and revised positioning within the site, subject to the replacement dwellings being of suitable scale and design, and complying with the relevant Green Belt policy requirements.

13. It is not disputed that the proposed dwellings would be larger than those they would replace. However, having regard to the size and scale of the neighbouring property and of other nearby dwellings, including similar pairs of semi-detached houses that appear to have been extended to the side and rear, I do not concur with the view that the scale, proportion, massing and height of the new dwellings would appear incongruous.
14. I therefore conclude on this matter that the scale and design of the development would respect the character and appearance of the area and would accord with Policy DM9 of the local plan. This requires amongst other things that new development achieves a high quality of design that relates positively to its context, drawing on the local character and the natural and historic environment.

Other considerations

15. Whilst I have not been provided with internal floor plans or sections, I have no reason to doubt that the existing dwellings have low floor to ceiling heights, a poor internal layout that would not be ideal for larger family living, and low energy performance levels. Such factors are typical of older dwellings. However, based upon the evidence before me, I am not convinced that these issues could not be addressed in other ways.
16. I acknowledge that the approved fallback scheme would have smaller rooms and no study. However, I have not been provided with any identified need for larger family houses in this location, or any justification as to why the existing dwellings could not be converted into or replaced with one larger home, or why the garages or third bedrooms could not be replaced with a study should the future occupiers have such a need.
17. I am advised that the approved fallback scheme, due to the roof pitch, would need to utilise slate tiles rather than pan tiles. Given the mix of materials in the area, which includes slate tiles, this would not result in any harm.
18. The other considerations in this case do not clearly outweigh the harm by reason of inappropriateness. Therefore, the very special circumstances necessary to justify the development do not exist.

Other Matters

19. My attention has been drawn to the extension and alteration of the neighbouring property, including to the extension and conversion of a building within its curtilage. As I am unaware of the circumstances surrounding these developments, such as how long ago they were built, the planning policies in place at that time, whether they have planning permission, whether they were permitted development or whether any special circumstances existed to justify them, I afford this very little weight. Each proposal is determined on its own merits and whilst the scale of nearby properties is relevant in terms of assessing the effect of the proposal on the character and appearance of the area, it is not relevant to assessing the compliance of this proposal with Green Belt policy.

Conclusion

20. The proposed development would be materially larger than the one it would replace and would have a greater impact on the openness of the Green Belt

than the existing development on the site. As such, it is inappropriate development. Whilst I have not identified any other harms, the substantial weight to be given to the Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. The proposal is therefore contrary to policy DM4 of the local plan and the Framework.

21. For the reasons given above I conclude that the appeal should be dismissed.

R Bartlett

INSPECTOR