



Appeal Decision

Site visit made on 2 August 2023

by Hannah Ellison BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2023

Appeal Ref: APP/J1535/D/22/3308131

Lochalsh, Hamlet Hill, Roydon, Essex, Harlow CM18 5JU

- 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 and Mrs Ayres against the decision of Epping Forest District Council.
 - The application Ref EPF/1331/22, dated 9 June 2022, was refused by notice dated 31 August 2022.
 - The development proposed is the erection of a detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of this appeal the Council adopted the Epping Forest District Local Plan 2011-2033 Part One (March 2023) (the LP). It now forms the development plan and thus supersedes the other development plan documents referred to within the Council's decision notice. Both main parties were offered an opportunity to comment on this matter. I have proceeded accordingly.

Main Issue

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 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 area;
 - The effect of the proposal on the living conditions of neighbouring residents at Bryher, with particular regard to outlook; and
 - If the proposal is inappropriate development, 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 proposal.

Reasons

4. This appeal concerns the generous front garden of a detached, single storey dwelling which is sited within a predominantly rural area, albeit built form surrounds the appeal site.

Whether inappropriate development

5. Policy DM4 of the LP states that within the Green Belt planning permission will not be granted for inappropriate development, except in very special circumstances, in accordance with national planning policy. Similarly, the Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Both LP Policy DM4 and the Framework state that the construction of new buildings should be regarded as inappropriate development in the Green Belt subject to a number of exceptions.
7. One such exception, at criterion C.(iii) of LP Policy DM4 and paragraph 149 c) of the Framework, 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. Neither the Framework nor the LP define what a disproportionate addition means. I consider that an assessment of the size of the proposal in relation to the site and host dwelling would be required and various factors such as massing, footprint and volume, amongst other things, may be relevant.
8. The proposed garage would have a sizeable footprint, being able to accommodate three vehicles. It would also be of a generous height, with steep roof pitch of varying planes due to its L shaped footprint. All in all it would be of a substantial and bulky mass.
9. Furthermore, I note there have been approvals for extensions and alterations to the appeal dwelling, namely upward, side and rear extensions. Whilst the exact detail is not before me, it appears that the footprint of the original dwelling has been at least doubled. When considered cumulatively with the previous extensions, the large footprint of the proposal would clearly result in a significant increase to both the floorspace and volume of the original property.
10. Taking all the above into consideration, the proposal would result in disproportionate additions over and above the size of the original building and thus constitutes inappropriate development in the Green Belt.
11. The appellant also intimates that the proposal would constitute infill development, given the ribbon pattern of development along this stretch of built form. Paragraph 149 e) of the Framework states that limited infilling in villages is one exception to inappropriate development in the Green Belt. Whilst physically detached from the host dwelling, given the proposals close relationship and similar residential use, I consider that it would be a normal domestic adjunct to the dwelling and thus criterion C.(iii) of LP Policy DM4 and paragraph 149c) of the Framework are the appropriate exceptions to consider this proposal against.

Effect on openness

12. Paragraph 137 of the Framework states that a 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. When applying the concept of openness to the particular facts of a case, a number of factors are capable of being relevant. For the purposes of this appeal, I have considered both the visual and spatial aspects of openness.

13. The proposal would be a large, bulky addition which would be sited in a part of the garden which is currently free from built form. It would be readily discernible and apparent from the public realm due to its close proximity to the highway, despite the boundary features. Therefore, in visual and spatial terms the proposal would result in harm to the openness of the Green Belt, in that it would be reduced.

Character and appearance

14. On the approach to the appeal site from the west, there is a stretch of properties which are sited close to the highway and follow a relatively strong building line. There are some examples of built form, including garages, which project forward of this building line along this stretch of Hamlet Hill, however this arrangement is commensurate with the close positioning of the respective properties.
15. However, the appeal dwelling and the properties immediately adjacent to it are varied in terms of style and siting. They have a noticeably different relationship to the public realm in that they are set back from the highway and/or sit comfortably within larger, verdant grounds.
16. The appeal site's generous front garden and sweeping driveway make a positive contribution to the locality as these features add to the sense of space which reflects the predominantly rural characteristics of the wider area.
17. The proposed garage would interrupt this as it would be sited a considerable distance forward of the front elevation of the host dwelling. Its longest side would be along the highway boundary and within very close proximity to it. By virtue of its siting and size, it would be a readily apparent and visually intrusive addition which would erode the sense of space and be at odds with the characteristics of the site and immediate locality.
18. I appreciate that the design and materials of the proposal seek to reflect the surrounding rural characteristics, however this does not overcome the harm its scale, mass and positioning would create. Additionally, it could not be guaranteed that the boundary hedge would always prevent views of this incongruous development.
19. Accordingly, the proposal would harm the character and appearance of the area and thus would conflict with Policy DM9 of the LP. Along with the aims for high quality good design set out in paragraphs 126 and 130 of the Framework, this policy seeks to ensure developments relate positively to their context, amongst other things.

Living conditions

20. The corner of the appeal site in which the proposal would be sited is adjacent to a residential property known as Bryher. The orientation of this property is such that the proposed garage would be positioned in very close proximity to its main garden area. It would also project along a considerable stretch of the boundary and be of a significant height, taking into consideration its pitched roof. Overall, these features would cause it to be an overbearing addition when experienced from the garden area of Bryher.

21. I am not convinced that the existing vegetation along this stretch of the shared boundary between the appeal site and Bryher would satisfactorily reduce its prominence and, moreover, it could not be guaranteed in perpetuity.
22. Accordingly, the proposal would harm the living conditions of neighbouring occupiers as it would have a harmful effect on their outlook. It therefore fails to accord with Policy DM9 of the LP which, along with paragraph 130 of the Framework, aim for developments which ensure a high standard of amenity for existing residents and are not overbearing which materially impacts outlook.

Other considerations

23. The appellant has referred to a garage development which was approved forward of the front elevation of a nearby dwellinghouse known as The Gillies. However, as noted above, the characteristics of the street scene vary along this part of Hamlet Hill. I have found that, similar to the Council in the example at The Gillies, built form to the front of dwellings may not be incongruous in every instance, taking into consideration the exact context.
24. In this example, the existing close relationship of The Gillies to the highway is unlike the set-back siting of the appeal dwelling, thus the effect of positioning a garage forward of the main dwellinghouse on the character of the area is very different in each case. Namely, passers-by would have already experienced close built form at The Gillies, with the limited depth of the front of this site not making a strong contribution to the street scene. This example does not therefore set a precedent for the appeal proposal.
25. The appellant also suggests that, as a result of the other approved developments to the host property, siting a garage adjacent to the main dwelling would not be possible. However, it seems to me that, given the large size of the appeal site, it is not inconceivable that garaging could not be achieved in a more appropriate location within this site or that alterations to the main dwelling could not be achieved in other ways, which not only provides the internal living space required by the appellant but also any garaging needs. I therefore afford this matter limited weight.

Whether very special circumstances exist

26. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
27. The proposal would constitute inappropriate development in the Green Belt and would cause moderate harm to its openness. In accordance with the Framework, I afford this Green Belt harm substantial weight. Further harm would be caused to the character of the area and the living conditions of neighbouring residents, to which I afford considerable weight.
28. The other considerations advanced in support of the appeal do not therefore clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist thus it would fail to accord with the Green Belt aims set out in Policy DM4 of the LP and the Framework, as referred to above.

Other Matter

29. I note the varied evidence with regards to the boundary of the Nazeing and South Roydon Conservation Area. However, given the above, I do not consider it necessary to reach a finding on this matter as it would not alter my conclusion. Linked to this, the lack of objection from the Council's conservation officer does not add any positive weight in favour of the proposal.

Conclusion

30. The proposal conflicts with the development plan as a whole and there are no other considerations which indicate a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

H Ellison

INSPECTOR