



Appeal Decision

Site visit made on 11 October 2023

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2023

Appeal Ref: APP/J1535/D/23/3317222

Grove Cottage, Grove Lane, Chigwell, Essex IG7 6JD

- 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 Charan Jeev Singh Chana against the decision of Epping Forest District Council.
- The application Ref EPF/2176/22, dated 21 September 2022, was refused by notice dated 10 February 2023.
- The development proposed is rear outbuilding to create home office and gym space.

Decision

1. The appeal is allowed and planning permission is granted for rear outbuilding to create home office and gym space at Grove Cottage, Grove Lane, Chigwell, Essex IG7 6JD in accordance with the terms of the application, Ref EPF/2176/22, dated 21 September 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 following approved plans: 03 Existing Roof Plan; 03 Proposed Ground Floor Plan; 04 Proposed Roof Plan; 10 Block Plan; 11 Site Plan; 12 Side Elevations; 13 Proposed Floor Plan, all dated 02/03/2022.
 - 3) The materials to be used in the construction of the external surfaces of the outbuilding hereby permitted shall match those used in the existing dwelling.
 - 4) The outbuilding hereby permitted shall not be used other than as a home office and gym ancillary to the use of the dwelling known as Grove Cottage, Grove Lane, Chigwell, Essex IG7 6JD.
 - 5) Prior to first occupation of the outbuilding hereby permitted, works for the disposal of sewage and surface water to serve the outbuilding shall have been provided on the site in accordance with details that have first been submitted to and approved in writing by the local planning authority. Once provided the works shall be retained thereafter.

Preliminary Matters

2. Since the application was refused by the Council, the Epping Forest District Local Plan 2011-2033 (2023) (Local Plan 2023) was adopted on 6 March 2023. It replaces the saved policies of the Epping Forest District Local Plan (1998) referred to in the Council's reason for refusal. It is mandatory for me to take account of the most relevant and up to date information in reaching a decision. I have therefore assessed the appeal against the policies in the Local Plan

2023. The main parties have had an opportunity to comment on the relevant policies contained in the Local Plan 2023 and therefore neither party would be prejudiced by me determining the appeal on this basis.

Main Issue

3. The main issue is:

- whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.

Reasons

Whether inappropriate development

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. Policy DM4 of the Local Plan 2023 is broadly consistent with the Framework. Like paragraph 149 of the Framework, it regards the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include 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.
6. The text supporting Policy DM4 of the Local Plan 2023 explains that the Council does not consider that it would be in compliance with national planning policy to define specific 'rules' for development in the Green Belt beyond those contained in the policy. In respect of extensions to existing buildings and replacement of existing buildings it is therefore not intended to define 'disproportionate' or 'materially larger' since they would depend on the characteristics of the site locality, and existing buildings themselves in relation to specific proposals.
7. There are no details before me regarding the size of the original building or whether the appeal property has been previously extended. However, I note that the relevant planning history in the Council's Officer Report does not include any recent extensions. Accordingly, based on the size of the existing dwelling, from the evidence before me and my observations on site, the proposed outbuilding would not constitute a significant addition.
8. Although the footprint of the proposed outbuilding, by virtue of its length, could be considered large compared to other outbuildings, such as the existing summer house at the appeal property, it would be single storey and of a similar height to the existing conservatory structure at the rear of the appeal property. It would also not be overly deep. In comparison, the appeal property is a large two-storey house, which is reasonably wide and deep. The proposed outbuilding, therefore, in terms of its overall volume, would be proportionate.
9. It would sit comfortably within the generous plot of the appeal property. It would also be located away from the existing dwelling and would, by virtue of its relatively low and shallow profile, appear subservient. The rear garden of the appeal property is not visible from Grove Lane. It is bounded by bushes

and trees that restrict views into the garden from neighbouring properties and land. The proposed outbuilding would therefore also be well contained and screened.

10. The Council have not set out the reasons why they consider the proposed outbuilding to be disproportionate to the size of the original building. I understand that the proposed outbuilding is a resubmission of a recently refused application, reference: EPF/0648/22, and the Council refer to the proposed outbuilding as being the same size as the previously refused outbuilding. However, I do not have any details of the refused outbuilding before me.
11. Based on the evidence before me and my observations on site, the proposed outbuilding would not be a disproportionate addition over and above the size of the original dwelling and would, therefore, not constitute inappropriate development in the Green Belt. Thus, it would accord with Policy DM4 of the Local Plan 2023 and the associated provisions of the Framework, which seek to protect the Green Belt from inappropriate development.
12. Given the proposed outbuilding would not be inappropriate development, in this case, there is no need for me to consider its impact on openness.

Other Matters

13. Concerns have been raised regarding trees in the surrounding area, in particular a tree in the adjoining property of Bramlins. However, I note that the proposed outbuilding would be positioned away from the boundary with Bramlins. There is one large mature tree relatively close to the existing summer house where the proposed outbuilding would be located, which is surrounded by an existing patio. Nonetheless, the Council has not raised any concerns regarding the effect of the proposed outbuilding on this tree or any others in the surrounding area, and there is no evidence before me to draw me to a different conclusion.

Conditions

14. The Council has suggested that, in the event the appeal was allowed, 4 conditions be imposed on any grant of permission. I note that Thames Water has also requested 2 additional conditions be imposed. In imposing conditions, I have had regard to the approach in the Framework and the Planning Practice Guidance. I have accordingly modified the wording or form of certain conditions without altering their fundamental aims.
15. In addition to the statutory time limit condition, a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interests of certainty. While the submitted plans show that the external surfaces of the proposed outbuilding would be similar to those used in the existing dwelling, they do not specify the materials that would be used. Therefore, also in the interests of certainty, a condition is necessary to ensure that the external materials of the proposed outbuilding match those of the existing dwelling.
16. The Council have also requested that a condition is imposed to ensure that the outbuilding would not be used as primary or ancillary residential accommodation to the existing dwelling. It is not necessary to require the outbuilding to remain incidental to and for ancillary use to the residential

occupation of the host property, as if the structure is not used as proposed, it is likely that another grant of planning permission would be required otherwise it would be at risk of enforcement action. However, in my view, to protect the living conditions of existing and future occupants, it is necessary to ensure that the outbuilding would not be used as ancillary residential accommodation to the existing dwelling. I have therefore imposed a condition to require this.

17. There are no details before me regarding the disposal of foul or surface water. In the interests of safety and to safeguard the public sewer and surface and ground water, it is therefore necessary to impose a condition requiring these details, the provision of the works prior to occupation and retention of the works thereafter.

Conclusion

18. For the reasons above, I find the proposal would be in accordance with the development plan, read as a whole. It has not been demonstrated that there are any material considerations of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore allowed subject to the conditions set out above.

Hannah Guest

INSPECTOR