



Appeal Decision

Site visit made on 26 September 2023 by Thomas Courtney BA(Hons) MA MRTPI

Decision by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2023

Appeal Ref: APP/J1535/D/23/3319913

3 Envilles Cottages, Abbess Road, Little Laver, Ongar, Essex CM5 0JH

- 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 Mary Scales against the decision of Epping Forest District Council.
 - The application Ref EPF/2596/22, dated 14 November 2022, was refused by notice dated 17 January 2023.
 - The development proposed is a double storey side extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. Since the Council determined the application, it has adopted the Epping Forest District Local Plan 2011-2033 (the DLP) on 6 March 2023, replacing the 1998 Local Plan and 2006 Alterations documents, which have been revoked. The appellant has had the opportunity to address the updated policy context through the appeal process. It has not been necessary, therefore, to seek further comments from the parties.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect on the character and appearance of the surrounding area;
 - The effect on the living conditions of the neighbouring occupiers at 2 Envilles Cottages with regards to outlook and a loss of light;
 - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.
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Reasons for the Recommendation

Whether inappropriate development

5. The appeal property comprises a two-storey semi-detached dwelling located within the Green Belt. The property features an existing ground floor rear extension and a two storey side extension.
6. Paragraph 149 of the Framework states that new development is inappropriate in the Green Belt unless it falls within the given list of exceptions. Under exception (c) the extension or alteration of a building would not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. National guidance on measuring 'proportionality' refers in the Framework to 'size'. This can, in my view, refer to volume, height, external dimensions, footprint, floorspace or visual perception.
7. The Council states that the proposed extension would result in a 60% increase in volume over and above the size of the original dwelling when considered cumulatively with previous extensions. In this case, the dwelling has already been extended through sizeable side and rear extensions. The proposed increase in volume to the side of the building would result in greater visual bulk when seen in combination with the existing extensions. Whilst the appellant states that the scale of the proposed side extension would represent a subordinate addition to the host dwelling by itself, it must be considered alongside other extensions, and a cumulative increase in volume of 220m³ over the original volume of 360m³, an uplift of over 60%, is significant. I therefore find that the scale of the proposed development would be disproportionate.
8. On this basis, the proposal would represent inappropriate development in the Green Belt and would not accord with the exemption outlined at Paragraph 149(c) of the Framework. It would also conflict with Policy DM4 of the DLP, which seeks to ensure extensions to buildings do not result in disproportionate additions over and above the size of the original building.

Openness

9. Openness is identified in the Framework as one of the Green Belt's essential characteristics. It has been identified as being formed of a spatial aspect as well as a visual aspect. The additional bulk and volume as a result of the proposed extension would materially impact on openness in a spatial aspect resulting in some limited harm to the Green Belt.
10. Furthermore, in visual terms, the extension would be clearly seen by surrounding occupiers to the north as well as from the access road. Whilst the mature vegetation and outbuildings in the rear garden would partially obscure views of the development from the open countryside to the west, it would still be visible from Abbess Road to the west when travelling in an easterly direction. It would also feature prominently in the street scene to the front of the house, adding to the overall width of the dwelling and its site coverage.
11. For these reasons, the proposed development would result in an adverse impact on both the spatial and visual openness of the Green Belt resulting in limited harm to the Green Belt. There would also be an adverse impact on the Green Belt purpose of safeguarding the countryside from encroachment, contrary to the Framework.

Character and appearance

12. The appeal dwelling is a semi-detached property which already features a two storey side extension. It forms part of a small cluster of properties located on a bend of Abbess Road and accessed via a gated private road. The cluster of houses is surrounded by open countryside and pockets of woodland.
13. Whilst the appellant states that the proposed side extension would be subordinate and visually cohesive with the host dwelling, I find that it would appear awkward and unbalance the architectural form of the property. Indeed, the resultant dwelling would comprise three different roof ridge lines which would create an uncharacteristic, stepped appearance that would belie an incremental, uncoordinated expansion of the dwelling. The proposal would also result in the dwelling stretching across the majority of the plot where it would appear excessive in size and squeezed onto the site in a cramped manner. These impacts would not be mitigated by the use of matching materials.
14. The appellant also contends that the proposed extension would not alter the spatial arrangement of the locality; however, for the reasons set out, it would constitute poor design which would negatively impact the proportions and profile of the host dwelling. It would therefore have a harmful effect on the appearance of the area as it would be visible to users of the private access road to the front as well as vehicles travelling on Abbess Road to the west of the appeal site.
15. Given the above, the proposed development would have a harmful effect on the character and appearance of the area. It would therefore conflict with the Framework and Policy DM9 of the DLP which together seek to ensure proposals are well-designed and relate positively to their context.

Living conditions

16. The proposed extension would be located in close proximity to the common boundary with 2 Envilles Cottages. Due to its proposed two storey height and massing, it would have a dominant impact when viewed from the rear windows, rear patio area and garden of the adjacent property. It would thus negatively impact the outlook of the neighbouring occupiers.
17. Furthermore, due to the orientation of the buildings and the siting of the extension on the northern elevation of the host dwelling close to the common boundary, it is considered that the development would reduce the amount of light received by the adjacent rear patio and garden of No.2.
18. The proposal would therefore unacceptably erode the living conditions of the neighbouring occupiers with regards to outlook and a loss of light. It would conflict with the Framework and Policy DM9 of the DLP which together seek to ensure proposals do not negatively impact the amenity of surrounding occupiers.

Other considerations

19. The Framework highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, with substantial weight given to any harm to the Green Belt. Very Special Circumstances will not exist unless the potential harm to the

Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

20. In this regard, the appellant refers to the “Wednesbury principles” and states that a number of factors, none of them “very special” when considered in isolation may, when combined together, amount to very special circumstances. The appellant states that the design of the proposal, its subordinate scale, its siting attached to the host dwelling, and its location within a cluster of existing and established built forms amount to very special circumstances.
21. As I have found that the scale of the proposed extension would be disproportionate and would harm openness, that its design would harm the character and appearance of the area, and that its siting close to the common boundary would negatively impact neighbours’ living conditions, these are not factors to which I afford material weight in favour of the proposal.

Planning Balance and Overall Conclusion

22. The proposal would cause harm to the Green Belt by way of inappropriateness and limited harm to openness, and substantial weight must be given cumulatively to this harm. The proposal would also negatively impact the character and appearance of the host dwelling and surrounding area and would harm the living conditions of the neighbouring occupiers. Other considerations advanced in this case do not clearly outweigh the substantial harm I have identified. Therefore, I conclude there are no very special circumstances to justify the development.
23. The proposal would conflict with the development plan, taken as a whole. Material considerations in this case, in particular the Framework, do not indicate that permission should nevertheless be forthcoming in spite of this conflict.

Recommendation

24. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector’s Decision

25. I have considered all the submitted evidence and my representative’s recommendation and on that basis the appeal is dismissed.

K. Savage

INSPECTOR