



Appeal Decision

Site visit made on 17 October 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 20th November 2023

Appeal Ref: APP/J1535/D/22/3311940

Southlands, 288 Nine Ashes Road, High Ongar, Ongar, Essex CM4 0LA

- 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 Tom Higgins against the decision of Epping Forest District Council.
 - The application Ref EPF/1443/22, dated 23 June 2022, was refused by notice dated 13 September 2022.
 - The development proposed is the demolition of an existing conservatory and the construction of a rear extension with dormer, introduction of roof light windows, material change to elevations and internal alterations. Demolition of existing outbuilding and erection of new outbuilding / pool house and new swimming pool.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of an existing conservatory and the construction of a rear extension with dormer, introduction of roof light windows, material change to elevations and internal alterations, demolition of existing outbuilding and erection of new outbuilding/ pool house and new swimming pool at Southlands, 288 Nine Ashes Road, High Ongar, Ongar, Essex CM4 0LA in accordance with the terms of the application, Ref EPF/1443/22, dated 23 June 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: PL-6067_01, PL-6067_02, PL-6067_03, PL-6067_04, PL-6067_05, PL-6067_07, PL-6067_08, PL-6067_09, PL-6067_10.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matter

2. The Epping Forest District Local Plan 2011 to 2033 (EFLP) was adopted by the Council on 6 March 2023. This has replaced the Epping Forest District Local Plan (1998) and the Epping Forest District Local Plan Alterations (2006). The relevant policies for the appeal are DM4, SP3 and DM9, which were referenced in the Council's reasons for refusal and on which the appellant was given the opportunity to comment. Therefore, I have determined the appeal having regard to these policies.

Main Issues

3. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt, having regard to local and national policy;
- 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; 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

4. The site falls within land defined as Green Belt. The area is rural, characterised by large, detached dwellings set back from the road in a linear pattern of development with varying roof types. The appeal site comprises a two-storey property with an outbuilding set within a substantial verdant plot which backs onto open fields.
5. The appeal proposal would remove the existing conservatory and dormer and replace it with a two-storey rear extension. The existing outbuilding would be replaced with a larger one.

Whether inappropriate development

6. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. These 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. EFLP Policy DM4 accords with the Framework in this regard.
7. Neither the Framework nor the EFLP provides 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.
8. While the extension would, in combination with other recent extensions, increase the floor area by over 100% when compared to the original building, it would only marginally increase the footprint of the dwelling and would not extend beyond the existing rear building line. It would be viewed amongst similarly sized properties in the village, including several large outbuildings. Moreover, the proposal would be largely obscured within the wider area and when visible would not appear disproportionate compared to the original building or the neighbouring properties. In my view, it would not constitute disproportionate additions for the purposes of paragraph 149 c) of the Framework.
9. Therefore, I conclude that the proposal would not be inappropriate development in the Green Belt. It would accord with Policy DM4 of the EFLP, and the associated policies of the Framework which both seek to control development within the Green Belt.

Openness

10. Whilst the extension would consolidate the built mass of the property by infilling the southwest corner of the two-storey dwelling and would increase the size of the outbuilding within the rear garden it would be located within a built-up enclave of development. Accordingly, the effect on the openness would be very limited and would not cause significant harm to the Green Belt. In this regard, I do not consider that there would be conflict with the Framework.

Character and appearance

11. The proposed rear extension would replace a previous extension and would be constructed off the original rear wall of the dwelling. The proposal would align with the existing rear building line of the dwelling and would be of a similar depth and scale to the surrounding properties.
12. Although the proposal would have a large portion of flat roof, this would replace the existing box dormer and would be largely obscured by the rear gable projections. The reduced height of the middle section of the rear extension would lessen its overall bulk resulting in a well-balanced and proportioned façade. Whilst the proposed outbuilding would be larger than existing it would be proportionate to the scale of the main dwelling. It would use matching materials and would have a simple unobtrusive design.
13. Therefore, I conclude that the proposal would be in keeping with the character and appearance of the area. I find no conflict with Policy DM9 of the EFLP which collectively seek to ensure developments achieve a high quality of design that relate positively to their context in terms of form, scale and massing and make a positive contribution to place.
14. In this case, I find no conflict with Policy SP3 of the EFLP which, in strategic terms outline the design and development of Garden Communities in the Harlow and Gilston Garden Town.

Conditions

15. To meet legislative requirements, a condition shall be imposed to address the period for commencement. In the interests of certainty, it is necessary to impose a condition requiring that the development is carried out in accordance with the approved plans. To ensure the proposal properly assimilates into the area, a condition relating to materials is also necessary.

Conclusion

16. The extension and outbuilding would not result in disproportionate additions over and above the size of the original building and would not be inappropriate development in the Green Belt. Due to its position within an existing enclave of development, the effect on the openness of the Green Belt would be limited. Further, the proposed extension and outbuilding would not adversely affect the character and appearance of the area. Therefore, I conclude that the proposal would accord with the development plan as a whole and the Framework. Having had regard to all matters raised, the appeal is allowed.

K Allen

INSPECTOR