The Planning Inspectorate

# Appeal Decision

Site visit made on 16 November 2023

**by J Downs BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7th December 2023**

**Appeal Ref: APP/J1535/D/23/3318586**
**Lodge Park, 64 Hoe Lane, Lambourne, Romford, Essex RM4 1AU**

- 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 James Phillips against the decision of Epping Forest District Council.
- The application Ref EPF/2406/22, dated 18 October 2022, was refused by notice dated 22 December 2022.
- The development proposed is proposed pitched roof and porch to existing dwelling.

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. 2. Since the Council's decision was issued, the Epping Forest District Local Plan 2011-2033 Part One (2023) (LP) was adopted, replacing the Local Plan (1998) and Alterations (2006) and Local Plan Submission Version 2017. The appeal was submitted after the plan was adopted. I have determined the appeal against the policies of the adopted development plan.

3. I have amended the description of development to remove details of the property address as this is not part of the description of development.

## Main Issues

4. The main issues are:

   - whether the proposed development would be inappropriate development in the Green Belt;
   - the effect of the proposed development on the openness of the Green Belt;
   - the effect of the proposed development on protected trees: and
   - 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 proposed development.

## Reasons

*Whether Inappropriate Development*

5. Paragraph 147 of 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. LP Policy DM4C sets out that the construction of new buildings in the Green Belt is

inappropriate development, subject to exceptions. LP Policy DM4C.(iii) is one such exception and allows for 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. This is consistent with paragraph 149 c) of the Framework.

6. The Framework does not define 'disproportionate additions'. LP Policy DM4C.(iii) also does not define 'disproportionate', and the supporting text is clear that such an assessment will depend on the characteristics of the site locality and the existing building in relation to the specific proposals.

7. The appeal proposal would see a roof added to the existing single storey dwelling. The parties are in dispute as to the precise extent of the increase in the volume of the dwelling. I have no reason to dispute the appellant's assertion that, notwithstanding the rooflights shown, there would not be an increase in the floorspace of the dwelling. However, irrespective of the precise percentage increase in volume and the footprint and floorspace remaining the same, the mass and scale of the building would be substantially increased by the addition of the roof. A hipped roof is proposed, however this would be of limited effect in reducing the scale of the extended dwelling. I find this would be disproportionate to the mass and scale of the original dwelling.

8. There is no presumption against house extensions in the Green Belt in either the recently adopted development plan or in the Framework. However, this would not outweigh the need to assess such proposals against the relevant policies for the extension and alteration of buildings in the Green Belt.

9. For this reason, the appeal proposal would constitute inappropriate development in the Green Belt as it would not meet any of the exceptions set out in LP Policy DM4C or paragraph 149 of the Framework. Paragraph 147 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

*Openness*

10. Paragraph 137 of the Framework confirms that 'the essential characteristics of Green Belts are their openness and their permanence'. Openness is the absence of development and can have spatial as well as visual aspects.

11. The existing building is single storey with a flat roof and as such appears as a modest structure. The proposed roof structure would significantly increase its mass and scale. This would be exacerbated by the porch structure which would be not insignificant. Although the dwelling is not remote, it is sited within an expansive open space, away from the built form of Abridge. As a consequence, the proposed development would be readily apparent and therefore harmful to the openness of the Green Belt. This harm would be moderate, given there is other development readily visible within the Green Belt. Nonetheless, it would cause harm and in accordance with paragraph 148 of the Framework, I must give substantial weight to this.

*Protected Trees*

12. At my site visit, I observed T10[1], an oak tree which is protected by a Tree Preservation Order (TPO). It is located outwith the appeal site, albeit

[1] TPO/EPF/94/10

immediately adjacent and separated by a close boarded fence. Any spread of the crown over the site boundary was limited, and was not in close proximity to the existing dwelling.

13. There is no evidence before me that any ground works would be necessary for the addition of the pitched roof. The proposed porch is on the opposite side of the dwelling to the tree and would require only limited ground works. There is open land around the existing building. Although the Council has not suggested it, a suitably worded condition could ensure the development was carried out in such a way as to prevent any damage to the tree canopy or roots.

14. The proposed development would therefore have an acceptable effect on protected trees and would not be contrary to LP Policy DM5 which promotes the protection of trees.

*Other Considerations*

15. In isolation of consideration of the Green Belt, it is not in dispute between the parties that the proposed development would enhance the appearance of the existing dwelling and have a positive impact on the character and appearance of the surrounding area. I have no reason to disagree with these conclusions and these would be a benefit of the proposal. There would be economic benefits during both the construction and occupation stages of the proposed development. I attach limited weight to the economic benefits given the small scale of the proposed development and moderate weight to the improvements to the appearance of the dwelling and the area.

16. There would not be an adverse effect on the living conditions of neighbouring occupiers, however this would amount to a lack of harm and be neutral. No other adverse effects of the proposed development have been identified.

**Other Matters**

17. Issues with regard to the way the Council determined the planning application, including the form of the officer report and any site visit, do not fall within the scope of this appeal which I have determined on its planning merits.

**Conclusion**

18. I have found that the proposed development would constitute inappropriate development in the Green Belt and would be harmful to its openness. Paragraph 148 of the Framework states that substantial weight should be given to these. I have attached moderate weight to the visual benefits and limited weight to the economic benefits for the reasons given above. I find that the other considerations in this case do not therefore clearly outweigh the harm. Consequently, the very special circumstances necessary to justify the development do not exist.

19. The proposed development conflicts with the development plan taken as a whole and there are no material considerations, including the approach of the Framework, of sufficient weight to indicate the decision should be taken otherwise. The appeal should therefore be dismissed.

*J Downs*

INSPECTOR