

# Appeal Decision

Site visit made on 6 March 2024

**by Andrew Dale BA (Hons) MA MRTPI**

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

**Decision date: 19.03.2024**

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## **Appeal Ref. APP/J1535/D/23/3332544**

### **Whiteswood Cottage, Back Lane, Nazeing, Waltham Abbey, Essex EN9 2RS**

- 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 Darren Hartman against the decision of Epping Forest District Council.
  - The application ref. EPF/0468/23, dated 2 March 2023, was refused by notice dated 14 August 2023.
  - The development proposed is "*Demolition of the rear/side Conservatory and construction of a new Ground floor rear and side extension and a First-floor side extension.*"
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## **Decision**

1. The appeal is dismissed.

## **Main issues**

2. The main issues are:
  - (i) Whether the proposal would be inappropriate development in the Green Belt;
  - (ii) The effect of the proposal upon the openness of the Green Belt;
  - (iii) The effect of the proposal upon the character and appearance of the locality, bearing in mind the extent to which it would preserve or enhance the character or appearance of the Nazeing and South Roydon Conservation Area (NSRCA); and
  - (iv) If the development would be inappropriate in the Green Belt, 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 necessary to justify the proposal.

## **Reasons**

3. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan includes the Epping Forest District
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Local Plan 2011-2033 Part One (LP), March 2023. The National Planning Policy Framework (the Framework) is a material consideration in planning decisions. The revised versions of the Framework published in September and December 2023 do not materially differ from the July 2021 version, insofar as the planning policies around the main issues in this appeal are concerned.

*Whether the proposal would be inappropriate development in the Green Belt*

4. LP Policy DM4 explains that the construction of new buildings is inappropriate development in the Green Belt. One exception to this 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. This reflects the Framework which defines the term "original building" as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
5. Paired with Nonsuch Cottage, Whiteswood Cottage is a semi-detached, 2-storey dwelling situated along the north-western side of Back Lane. The main roof over the 2 houses is hipped. The evidence before me points to the appeal dwelling being originally constructed in the 1930s. Ground floor extensions were erected to the front and side of Whiteswood Cottage pursuant to planning permissions issued in the 1970s. Those extensions do not therefore form part of the original building as such.
6. The LP and the Framework do not define "disproportionate" or contain specific numerical limits on the size of extensions. It is therefore a matter of planning judgement in each case. It is reasonable to look at the overall size increase in terms of volume as the Council has done. The Council estimates that what is proposed would lead to a cumulative increase in the volume of the original dwelling by about 77%. This has not been disputed by the appellant.
7. Notwithstanding the removal of some parts of the existing later extensions, an increase of 77% in volumetric terms would be significant. In physical terms, the proposed increase in volume would result in greater visual bulk to the side, rear and forward of the building, given the inclusion of a first floor side extension and a wrap-around ground floor extension which would be as wide as the original front elevation when viewing from the front and far wider than the original rear elevation when viewing from the rear. To my mind, these are clear physical indicators of disproportionate additions to the original dwelling.
8. I find that the proposed extensions would result in disproportionate additions over and above the size of the original building. The proposal would therefore constitute inappropriate development in the Green Belt and fail to conform with LP Policy DM4 and the Framework.

*Effect upon the openness of the Green Belt*

9. The Framework confirms that the essential characteristics of Green Belts are their openness and their permanence. Openness derives essentially from an absence of built form. The proposed extensions would be noticeable from certain viewpoints on Back Lane, especially when viewing across the vehicular entrance gate. They would increase the volume, bulk and footprint of the building and the built-up nature of the appeal site. There would be a material loss of spatial and visual openness of the Green Belt.

*Effect upon the character and appearance of the locality including the NSRCA*

10. The significance of the NSRCA, a designated heritage asset, is largely derived from the very large area of historic and attractive countryside between Harlow and Lower Nazeing that it encompasses. Whiteswood Cottage and Nonsuch Cottage complement their bucolic setting in the NSRCA. They are an attractive pair of cottages, each occupying spacious grounds bounded by mature roadside hedgerows. Back Lane is typical of the narrow, winding roads in the locality.
11. LP Policy DM7 says that heritage assets and their settings will be preserved or enhanced in a manner appropriate to their significance in accordance with national planning policy and guidance. LP Policy DM9 expects all new development to achieve a high quality of design and contribute to the distinctive character and amenity of the local area. Proposals for extensions or alterations to residential buildings should respect and/or complement the form, setting, period and detailing of the original buildings.
12. It seems to be common ground that there is an opportunity to improve the appearance of the dwelling which has been marred by the extensions permitted in the 1970s. However, although matching cream render, black timber and red roof tiles would be used, the appeal scheme would retain and widen the ground floor front projection and square off the building line at the side so as to join up with a rear extension that would be far wider than the original rear elevation. The original cottage would be overwhelmed by the sprawling nature and excessive massing of the ground floor extensions to the front, rear and side.
13. The hipped roof over the rear extension would not integrate well with the side extension or the rear elevation of the original cottage and would hide in large part the first floor rear windows directly above. The 8 sections of patio doors would be excessive and add further to its incongruity. A large area to the front of the ground floor side extension would be devoid of fenestration. The first floor side extension may have appeared subservient on its own but it would add to the bulk of the proposed development on the side whilst its almost indiscernible setback from the original front elevation would further disrupt the generally balanced appearance of the pair of cottages. Overall, there would be an insufficient degree of respect for the modest scale, form, setting, period, proportions and detailing of the host building and the adjacent cottage.
14. The proposed extensions would be clearly visible when viewing across the vehicular entrance gate on the approach along Back Lane from the north-east. Having a moderate degree of prominence and a visually disruptive impact on the host building and the attached neighbouring cottage, those extensions would be harmful to the wider character and appearance of the NSRCA. That harm would be less than substantial in this instance but nevertheless of considerable importance and weight. Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
15. Such possible public benefits are perhaps most clearly articulated in the design and access statement. Using the property to its fullest extent possible would not be the only way to assist its long-term conservation. The continued viable use of Whiteswood Cottage as a residential dwelling is not dependent on the proposal as the ongoing residential use would not cease in its absence. The

requirements of contemporary family living and the replacement of an unattractive extension that is inefficient in retaining heat and using energy should not obviate the need for high quality design. There would be a boost to the local economy by using local labour and resources for construction but this would be limited. The fallback of a new outbuilding in the back garden is covered later on in this decision but it is sufficient to say here that this fallback would not amount to a public benefit.

16. Given the above, I find that the proposed extensions would adversely affect the character and appearance of the locality and, in the absence of any significant public benefits which would outweigh the harm, would fail to preserve the character or appearance of the NSRCA. There would be conflict with the aims of LP Policies DM7 and DM9 and the Framework in these respects.

*Other considerations*

17. Reading the appeal statement alongside the personal statement that was attached the design and access statement, I note that the appellant seeks more ground and first floor space for his growing family and improvements to the internal living environment. I can understand these desires but it is evident to me that the appeal scheme would not be the only way of achieving them. On a related point, despite the absence of section drawings, there is no reason to believe that the minimum floor to ceiling height in the first floor side extension would not meet the nationally described space standards. The Council's concern on this point, which did not find its way into the reasons for refusal, has not counted against the appeal scheme.
18. The appellant points to a fallback involving the implementation of permitted development rights for outbuildings. In particular, a certificate of lawful development was issued by the Council under ref. EPF/0465/23 for a detached outbuilding in the rear garden. This would appear to represent a realistic fallback. However, even though that outbuilding would be sizeable, the Council says that the volume increase would be of the order of 60% compared to the 77% envisaged in the appeal scheme. Moreover, it would not directly increase the mass of the appeal dwelling. Being positioned directly behind the dwelling close to the boundary with Nonsuch Cottage on land that falls away from the dwelling, it would have a less significant visual impact when viewing from Back Lane and upon the character and appearance of the NSRCA. Thus, I consider that the potential for the outbuilding to be added as permitted development provides minimal support for accepting the appeal proposal, even if a condition was attached withdrawing all future Class E permitted development rights.
19. When the Council granted planning permission for extensions to King Harold Cottages under ref. EPF/1411/22, such a condition was imposed. However, this related to a scheme where the volume increase of 64% over and above the size of the original dwelling was found to be towards the higher end of the range of acceptability and where the character and appearance of the NSRCA would be preserved. This case is not therefore identical to the appeal proposal.
20. The occupier of Nonsuch Cottage was in agreement with the development at the appeal site if the previously approved plans (EPF/1401/18) to extend at the rear of Nonsuch Cottage were to be approved again. The appellant understands that those plans have been approved again. Those plans have not been carried

out but upon implementation there would be a pair of single storey extensions with matching hipped roofs at the rear of the dwelling, with the earlier, existing one overlapping part of the original gable end. The increase in volume over the original dwelling would not be disproportionate. There would be a negligible impact on this dwelling and the appeal cottage when viewing from Back Lane.

21. The appellant refers to planning history relating to plans for other properties within the local area which have been approved. However, other than Nonsuch Cottage and King Harold Cottages, no relevant planning documents relating to other local properties have been put before me.

### **Conclusion**

22. LP Policy DM4 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. The Framework confirms that 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.
23. I have found that the proposal would amount to inappropriate development which is, by definition, harmful to the Green Belt. The proposal would be harmful to the openness of the Green Belt. Substantial weight must be given to any harm to the Green Belt. In considering the impact of the proposed development upon the significance of the designated heritage asset (the NSRCA), great weight has to be given to the asset's conservation, even where there would be less than substantial harm to its significance.
24. Even taken together, the other considerations I have identified in the appellant's submissions offer only moderate support for the scheme and do not clearly outweigh the totality of harm. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development conflicts with the development plan taken as a whole and there are no other material considerations to outweigh that finding. Therefore, for the reasons given and taking into account all other matters raised, I conclude that this appeal should not succeed.

*Andrew Dale*

INSPECTOR