



Appeal Decision

Site visit made on 14 November 2023 by Thomas Courtney BA(Hons) MA MRTPI

Decision by Martin Seaton BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2024

Appeal Ref: APP/J1535/D/23/3324734

Blunts Farm, Coopersale Lane, Theydon Bois, Epping, Essex CM16 7NT

- 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 N Young against the decision of Epping Forest District Council.
 - The application Ref EPF/1671/22, dated 18 July 2022, was refused by notice dated 24 May 2023.
 - The development proposed is a new outdoor pool and single storey extension to existing house.
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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

1. The Government has published a revised National Planning Policy Framework (December 2023) (the Framework). I have had regard to this document in reaching my conclusions.

Main Issues

2. 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 host dwelling;
 - 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.

Reasons for the Recommendation

Whether inappropriate development

3. The appeal property comprises a two-storey detached dwelling located within the Green Belt. The property, which is a replacement dwelling that was erected after 2014, lies within a large plot on a prominent ridge with open views to the north west.
4. Paragraph 154 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 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, quite reasonably, refer to volume, height, external dimensions, footprint, floorspace or visual perception.
5. The Council states that the proposed extensions would double the footprint of the existing building. The Theydon Bois Action Group state that the proposed extensions would amount to an additional 140 sqm being added to the host dwelling and also highlight the added area of the pool and hard standing.
6. The proposed increase in volume to the side and rear of the building would result in greater visual bulk. Whilst the appellant considers that the scale of the proposed extensions is limited and would represent subordinate additions to the host dwelling, an increase in footprint over the existing dwelling of approximately 50% is significant. I therefore find that the scale of the proposed development would be disproportionate.
7. On this basis, the proposal would represent inappropriate development in the Green Belt and would not accord with the exemption outlined at Paragraph 154(c) of the Framework. It would also conflict with Policy DM4 of the Epping Forest District Local Plan 2023 (DLP), which seeks to ensure extensions to buildings do not result in disproportionate additions over and above the size of the original building.

Openness

8. Openness is identified in the Framework as one of the Green Belt's essential characteristics. It has been identified as being formed of both spatial and visual aspects. The additional bulk and volume as a result of the proposed extensions and increased built form would amount to a doubling of the existing footprint. This would materially impact on openness in a spatial aspect resulting in some limited harm to the Green Belt.
9. In visual terms, the extensions would be clearly visible from the open countryside to the north given the elevated siting of the property on a prominent ridge. Due to the extent of glazing proposed, the proposal would stand out and would appear as an incongruous addition. The glazing would also mean the dwelling would be more visible when illuminated at night time, further highlighting its prominence and disproportionate scale. The long swimming pool and vast amount of paving proposed would also have an urbanising effect and would amount to an encroachment into Green Belt land, adversely impacting on its openness.
10. 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

11. The appellant states that the proposed extensions would be subordinate and visually cohesive with the host dwelling. However, I disagree. The extensions would appear as awkward additions to the dwelling and unbalance the architectural form of the property. The resultant dwelling would feature an extensive amount of flat roof that would result in an incremental, uncoordinated expansion of the dwelling. Furthermore, the extent of glazing would be excessive and visually dominant and would thus overwhelm the appearance of the rear elevation. These impacts would not be mitigated by the use of matching materials.
12. The appellant contends that the proposed southern wall would be subservient and designed to appear as a garden wall. However, it would appear excessively long and high as it would extend in its entirety to the western boundary. Planting could be added to reduce its bland appearance, but it would still appear too large in scale and constitute poor design which would negatively impact the proportions and front profile of the host dwelling.
13. Given the above, the proposed development would have a harmful effect on the character and appearance of the host dwelling and surrounding 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.

Other considerations

14. 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.
15. In this regard, the appellant has not put forward a case for very special circumstances but states that the design of the proposal is proportionate, is not harmful to openness or the rural character, and addresses previous reasons for refusal. As I have found that the scale of the proposal would be disproportionate and would harm openness, and that its design would harm the character and appearance of the area, these are not factors to which I afford material weight in favour of the proposal.
16. My attention has been drawn to an appeal decision at Haylands, 48 High Road, Chigwell (*ref: APP/J1535/D/15/3135339*). Whilst I have not been provided with all the documents and plans relating to this case, it appears that it differs significantly from the scheme before me as it involved the demolition of a garage and the erection of a two-storey side extension that only amounted to a 20% increase in volume over the size of the original building. As this is not comparable to the proposed development, I do not attach any significant weight to it in favour of the proposal.
17. The appellant also contends the proposal is sustainably designed and would contribute to climate change mitigation. However, the evidence placed before

me is not conclusive in this regard, and must only attract limited weight in support of the proposal as a consequence. Furthermore, whilst the proposal could be said to promote healthy and active lifestyles and would not harm neighbour amenity or local ecology, this positive aspect would only attract very limited weight in favour of the proposal. In addition, an absence of harm with regards to neighbour amenity and local ecology is a neutral point which does not lend any weight in favour of the proposal.

Planning Balance and Overall Conclusion

18. The proposal would cause harm to the Green Belt by way of inappropriateness, as well as 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. 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.
19. 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

20. 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

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

Martin Seaton

INSPECTOR