



Appeal Decision

Site visit made on 1 May 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18TH July 2024

Appeal Ref: APP/J1535/W/23/3330067

Little Merryweathers, Epping Road, Roydon, Harlow, Essex CM19 5DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an
 - application for planning permission.
 - The appeal is made by Mr & Mrs M & C Humes against the decision of Epping Forest District Council.
 - The application ref is EPF/1572/23
 - The development proposed is proposed increase in Roof height by 300mm and the addition of three Front and two Rear dormers.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. During the appeal, on 19 and 20 December 2023, the Government published its revised National Planning Policy Framework (the Framework). The revisions do not have a material bearing on the matters at dispute between the parties in this case. Consequently, I have not found it necessary, in the interests of natural justice, to seek further written comments, and neither party would be prejudiced by my consideration of the revised advice in my determination of the appeal.
3. During review of the case file, I noticed that the issue of inappropriate development in the Green Belt was not a matter of dispute between the main parties. With reference to the Framework and the evidence, I sought further information to substantiate the positions of the main parties in this regard, including, if the proposal was inappropriate development, whether very special circumstances exist that would allow the development and if so, what they would be. I have had regard to the response submitted in determining this appeal.
4. The appeal site is within a conservation area and located adjacent to a Grade II listed building. It is clear from the Council's submissions that it considers the proposal would cause harm to the conservation area and the setting of the nearby listed building. I have also noted that the appellant has made submissions in respect of these matters.
5. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require me, in determining this appeal, to have special regard to the desirability of preserving the listed building, or its setting, or any features of special architectural or historic interest which it possesses and also to pay special attention to the desirability of preserving or enhancing

the character or appearance of the conservation area. For these reasons I have, therefore, included the effects of the proposal on these heritage assets as a principal issue in this appeal.

Main Issues

6. Although the appeal is against non-determination, the Council has given the reasons why planning permission would have been refused had the application still been within its remit to determine. Based on this and my observations on site, the main issues are:
 - whether or not the proposal would be inappropriate development within the Green Belt having regard to the National Planning Policy Framework (2023) (the Framework) and any relevant development plan policies;
 - the effect on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II listed building, Merryweathers Farmhouse (the LB), and the extent to which it would preserve or enhance the character or appearance of the Nazeing and South Roydon Conservation Area (the CA).
 - if the proposal would be inappropriate development, whether or not 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

Whether or not inappropriate development in the Green Belt

7. The site is located within the Metropolitan Green Belt. Policy DM4 of the Epping Forest District Local Plan 2011-2033 Part One (2023) (LP) 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 identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. Paragraph 154 of the Framework sets out that the construction of new buildings in the Green Belt is inappropriate unless one of the stated exceptions apply. This includes, at 154 c), 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. The Glossary to the Framework defines 'original building' as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
9. The Framework does not however provide a definition of "disproportionate additions" and the evidence indicates that the development plan does not contain specific limits. Whether the proposal would be a disproportionate addition relative to the original building is therefore a matter of planning judgement. There are different ways of assessing the proportionality of an

extension, and it is reasonable to consider measures such as volume, floorspace and footprint. This assessment must however account for previous extensions. To do otherwise would allow incremental increases in size that combined would be disproportionate and would therefore conflict with the purposes of the policy.

10. The submitted evidence indicates that the original dwelling has already been extended by way of several single storey extensions and a garage. As such, these additions need to be taken into account when considering whether the current proposal would be a disproportionate addition.
11. In this case, I have not been provided with exact figures with regards to the increase in floorspace over the original dwelling. However, I find that the increase in overall scale and massing of development over the original building would be considerable when the existing extensions are taken into account. While the dormer windows and increase to the ridge height of the house now proposed are not substantial, of themselves, they would add to the cumulative impact of the previous extensions to the dwelling. I therefore find that the scale of the proposed development would be disproportionate.
12. The proposal would not meet any of the exceptions set out in the relevant policies mentioned above. Therefore, it would be inappropriate development in the Green Belt and would conflict with Paragraph 154 of the Framework.

Openness

13. Paragraph 142 of the Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
14. The site comprises a detached dwelling sited within a residential plot, set back but visible from the road. The limited increase in the height of the roof would marginally increase the prominence of the building. Whilst the dormer windows individually are not large, cumulatively they would introduce additional built form into areas where there is currently no development, thereby eroding existing open space. Consequently there would be a limited reduction to both the spatial and visual openness of the Green Belt, which, as noted, is one of its essential characteristics.
15. Paragraph 153 of the Framework is clear that substantial weight should be given to any harm to the Green Belt. This therefore weighs heavily against the proposal.

Heritage assets

16. The site is located within the Nazeing and South Roydon Conservation Area (the CA) and adjacent to the Grade II listed Merryweathers Farmhouse (the LB). While no formal appraisal has been produced, the CA covers a large area of countryside as well as a number of settlements within its boundary. Settlements appear to originally date from medieval times and the landscape surroundings comprise of distinctive field patterns and open commons. Its significance stems from, amongst other aspects, the well preserved medieval settlements, and 'closed field' patterns which form a fundamental part of the character and appearance of the area.

17. As a modest, traditionally designed dwelling, within a prominent location adjacent to Epping Road, the appeal site contributes to the significance of the CA, which rests in its rural character.
18. The number and spread of dormers across the front and rear roofs would take up a significant proportion of the roof planes. Collectively they would have a dominating effect and would not be a subordinate addition to the host dwelling. Their flat roof design, which would not reflect the pitched roof design of the host dwelling, would emphasise the dormers' incongruity, causing harm to the character or appearance of the CA.
19. My attention has been drawn to the wording from the Essex Design Guide (EDG) which identifies that the purpose of dormers should be to light the roof-space, not to gain extra headroom over any great width, and that they should not be located close to verges or hips and should have gabled, cat-slide or flat lead roofs. The proposed front and rear dormers, due to their number, location and flat roof, tiled design would not comply with the guidance within the EDG.
20. The Council raises concerns about the materials used for the dormer windows, in particular the uPVC windows. Whilst the appellant considers that the proposed materials will not appear incongruous had I found the design to be acceptable, the exact materials to be used could have been controlled by planning condition. Given the small increase, I do not find that the proposed increase to the ridge height would have a harmful effect on the character or appearance of the CA.
21. The List description confirms that the LB was listed in 1984 and dates from the sixteenth century, with nineteenth and twentieth century additions. It is two storeys in height, with a single storey lean-to projection. Amongst other things it is described as being part timber framed and plastered, part rendered brick with a red plain tiled roof and red brick chimney stacks. Its internal features including an inglenook fireplace with timber mantel beam and salt niches are noted as being of particular historic interest.
22. The significance of the LB is derived mostly from its age, architectural quality, its setting within a spacious, verdant garden and its contribution to the rural character of the area as a traditionally constructed dwelling.
23. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification.
24. The LB's spacious and verdant garden contributes positively to its rural setting and thus special interest and significance. The appeal property is located beyond the LB's garden, positioned much closer to Epping Road, at a lower ground level and a considerable distance from the LB. It is separated from the LB by relatively tall, dense planting surrounding the garden, and given the appeal property's lower height there is limited intervisibility between the two buildings.
25. The proposal would result in a relatively small scale increase to the form and scale of the appeal property. Due to the extent of vegetation and screening,

the proposal would be evident only in limited views of the LB from Epping Road and the LB's driveway to the south. The LB is not visible in views from Epping Road directly in front of the appeal property. Overall, the appeal property would remain clearly subservient in scale to the LB, and the mass of the proposal would not appear out of place. Consequently, the proposal would have a neutral effect on the setting of the LB.

26. However, in failing to preserve the character or appearance of the CA, I find that the proposal would, in the words of the Framework, result in less than substantial harm to the significance of this designated heritage asset. In such circumstances, the Framework requires that the less than substantial harm should be weighed against the public benefits. The proposal would provide benefits associated with the extension to the dwelling, such as making an efficient use of the site by providing improved and enlarged living space. Based on the scale and nature of the development, the public benefits relating to this would be modest. They do not therefore outweigh the harm I have identified to the CA and the great weight given to the conservation of designated heritage assets.
27. Whilst I have not found harm to the setting of the LB, the proposal would harm the character or appearance of the CA. It would therefore conflict with Policies DM4, DM7 and DM9 of the LP which collectively prioritise the conservation of heritage assets, and promote high quality design which contributes to the distinctive character of the area.
28. The Council also alleges a conflict with Policy DM10 of the LP with regards to this matter. However, my attention has not been drawn to any words in it that are relevant to this issue. The policy has therefore not been determinative in my decision.

Other considerations

29. I have found that the appeal proposal represents inappropriate development in the Green Belt, which is harmful by definition. The Framework states that inappropriate development should not be approved except in very special circumstances and that substantial weight is 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, is clearly outweighed by other considerations.
30. I am mindful that the additional space provided by the extension would provide additional living accommodation. However, I am not persuaded that this matter overrides the harm I have identified, which would be long term. This factor is therefore given limited weight.
31. The lack of harm in relation to the impact of the proposal on issues such as the living conditions of neighbouring occupiers are neutral factors and do not weigh for or against the proposals.

Green Belt Balance and Conclusion

32. The proposal would constitute inappropriate development in the Green Belt which should not be approved except in very special circumstances. It would also not preserve, and would have a harmful effect on, the openness of the Green Belt. Substantial weight should be given to any harm to the Green Belt. Therefore, the proposed development is contrary to Policy DM4 of the LP and

the principles of the Framework that seek to protect the Green Belt from inappropriate development.

33. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Whilst the proposal would have some benefits for the occupiers of the property, this only provides very limited benefit in the overall balance. Consequently, the very special circumstances necessary to justify the development do not exist.
34. The proposal would be contrary to the development plan and the Framework taken as a whole. There are no other material considerations which indicate that the decision should be determined other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR