



Appeal Decision

Site visit made on 17 December 2024

by **C J Leigh BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Appeal Ref: APP/J1535/D/24/3353803

2 Frayes Chase, Abbess Beauchamp and Berners Roding, Ongar, CM5 0JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr T. Charles against the decision of Epping Forest District Council.
 - The application Ref is EPF/0733/24.
 - The development proposed is a single storey rear extension
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies.
 - the effect of the proposal on the openness of the Green Belt; and
 - if the proposal is inappropriate development, 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 proposal.

Reasons

Whether the proposal constitutes inappropriate development

3. The appeal property lies within the Metropolitan Green Belt. The Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt. Exceptions to this are listed in paragraph 154 of the Framework, which includes at part (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. 'Original building' is defined in the Glossary of the Framework as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
4. Part C.(iii) of Policy DM4 of the Epping Forest District Local Plan (2023) sets out the same policy approach as the Framework. Paragraph 4.30 of the supporting text to Policy DM4 says the Council does not define what is 'disproportionate' as they

consider this depends on the characteristics of the site locality and existing buildings in relation to specific proposals.

5. The property is a semi-detached house that is one of a group of six houses evidently built at the same time to a consistent design and form. The planning history shows the property has been extended in the past by a two-storey extension to the side and rear and a single storey extension to the rear, and I saw the extended building at the site visit.
6. The appellant has calculated the proposals the subject of this appeal to represent an increase of 31.23% in the footprint of the building and states this would not represent a disproportionate addition to the building. However, as noted earlier, planning policy states that regard must be paid to the original building when considering whether an extension is disproportionate, and 'original' is clearly defined. The appellant has not taken into account the previous first floor extensions at the property in considering the additions that have occurred to the original building.
7. I disagree that it is difficult to be certain about the size and form of the original building: the historic mapping shows the consistent H-shaped form of the six houses, and it is discernible from the current drawings and observations on site to establish how the appeal property has been extended from its original form. Those past additions have added size to the original building and so, in accordance with planning policy, must be taken into account when considering whether a further addition is disproportionate over and above the original building.
8. I have not been provided with any figure that calculates the floorspace or volume percentage increase over the original which would result from the current appeal proposals. However, as Policy DM4 does not specify any threshold for percentage figure, this is not necessary; as the Policy states, the approach of the development plan is that any assessment depends on the characteristics of the site and existing buildings in relation to specific proposals.
9. It is clear to me from observations at the site and having regard to past extensions to the property that the building has had a previous large extension, with this property appearing to be the most extended house in the group of six. The current proposed extension would be a sizeable addition to the already enlarged building. Together with the previous extensions it is apparent to me the original building would be very significantly increased in volume and scale. This size and scale would represent a clearly disproportionate addition to the original building.
10. Accordingly, the proposal does not fall within the exception at paragraph 154(c) of the Framework. There is no suggestion that it would meet any other exception. The proposal would be inappropriate development that is, by definition, harmful to the Green Belt and in conflict with the Framework and Policy DM4 of the Local Plan.

Impact on openness

11. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl and keep land permanently open, and that the essential characteristics of Green Belts are their openness and permanence. It has been established that openness has both a spatial and visual aspect.

12. The proposal would feature a flat roof and be sited to the rear of the appeal property, in a site that benefits from an element of natural screening due to mature trees and vegetation. Nevertheless, from a spatial perspective it would lead to a material reduction in the openness of the Green Belt by adding a sizable volume of built form to the property.
13. The siting and scale of the proposed development would directly contravene the purpose of the Green Belt and harm openness.

Other considerations

14. The design of the extension would reflect the host property through the use of matching materials and would be distant from neighbours. Thus, there would be no harmful effect on the character of the area or on residential amenity.
15. The proposal is to provide an extension to a private home, providing additional living space to meet contemporary living standards. I attach limited weight to this personal circumstance.

Whether very special circumstances exist

16. The proposal is inappropriate development in the Green Belt, and it would result in harm to openness. The Framework states that substantial weight should be given to any harm to the Green Belt, including harm to its openness, and should not be approved except in very special circumstances. The Framework further advises that 'very special circumstances' to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
17. I do not consider the matters raised in support of the proposal to clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

18. For the reasons given, the conflict with national and local planning policy means that the appeal should fail.

C J Leigh

INSPECTOR