



Appeal Decisions

Site visit made on 19 May 2025

by **A Hickey MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th June 2025

Appeal A Ref: APP/J1535/W/24/3355134

Surrywood, 12 London Road, Stanford Rivers, Ongar CM5 9PH

- 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 Simon Molloy against the decision of Epping Forest District Council.
 - The application Ref is EPF/0998/24.
 - The development proposed is demolition of the existing bungalow and the construction of a proposed new two storey dwelling.
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Appeal B Ref: APP/J1535/W/24/3355166

Surrywood, 12 London Road, Stanford Rivers, Ongar CM5 9PH

- 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 Simon Molloy against the decision of Epping Forest District Council.
 - The application Ref is EPF/1775/24.
 - The development proposed is demolition of the existing bungalow and construction of a new chalet bungalow.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The main parties have drawn my attention to, with regard to Appeal A, of an incorrect Plan Policy. The decision notice for Appeal A should refer to Policy H1 E. and not Policy H4 A. of the Epping Forest District Local Plan (LP) as stated on the decision notice. Whilst the incorrect policy number is referred to within the refusal reason the officer report and the reason for refusal are clear in their reasoning for refusal. I have therefore considered LP Policy H1. as part of my reasoning.
4. The Council's statement of case includes a reference to an appeal¹ for a development in a different location to both appeals. I have taken this to be an error and the appropriate reference should be APP/J1535/W/24/3355134 as noted above.

Main Issues

5. With reference to Appeal A, the main issues are:

¹ Ref: APP/J1535/W/22/3311461

- whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies including the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - the mix of housing within the Council's area; and
 - whether any 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.
6. With reference to Appeal B, the main issues are the same as Appeal A, except for the main issue in respect of housing mix. This is because Appeal B proposes a replacement bungalow.

Reasons

Whether inappropriate development

7. The appeal site is located within the Metropolitan Green Belt. The National Planning Policy Framework (the Framework) states 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. LP Policy DM4 identifies certain types of development which are not inappropriate in the Green Belt. This includes the replacement of a building, provided the new building is of the same use and not materially larger than the one it replaces.
8. Whilst other exceptions have been referenced in the appellant's evidence these are only used to convey the matter of openness of the Green Belt. As such, it has not been put to me that the proposal would comply with any other exceptions of LP Policy DM4 or other exceptions in the Framework.
9. Details have been provided of measurements when including previously approved schemes and permitted development proposals. However, as these have not been implemented or constructed, they do not form part of the assessment with regard to not being materially larger.
10. In assessment of Appeal A, the proposed dwelling would be a two-storey dwelling with projecting gable elements and would be taller than the existing bungalow. The internal floor area would increase from 126.8 to 252 square metres. The building volume would increase from 551.4 to 620.1. The footprint of the building would also be increased from 129.1 square metres to 173 square metres. Turning to Appeal B, the proposed dwelling would be a chalet design with a ridge height slightly higher than the existing building on site. The internal floor area would increase to 240.1 square metres. The building volume would increase to 750. The footprint of the building will be increased to 166 square metres.
11. The evidence indicates that the dwelling proposed in each case, even when considering the reduced height of Appeal B, would as a result be materially larger than that existing. The proposal would therefore be inappropriate development in the Green Belt and would conflict with LP Policy DM4 and the Framework.

Openness

12. The proposed dwelling in both Appeals A and B would be substantially larger than the existing house and therefore there would be an impact on the openness of the Green Belt. Spatially and visually, the developments would result in a large dwelling which, in part, would intrude into areas currently free of development. Additionally, both schemes would be especially bulky in comparison to the existing development, particularly given the increase in volume and floorspace at first floor level. That additional bulk would be noticeable from public areas, such as at the front of the site and from the road and pathways heading towards the junction at Church Road. There would therefore be significant harm to the Green Belt in both spatial and visual terms.

Character and appearance

13. The dwelling subject to both appeals is situated both in and back from the nearby junction at Church Road. There is a substantial and well-planted group of trees along the western boundary and open fields to the rear. The site forms part of a pleasing visual transition from the settlement which becomes looser and more open, on this side of the road when heading toward and beyond the junction at Church Road.
14. The existing dwelling shares a limited scale and traditional bungalow appearance with the neighbouring detached property which is at a slightly lower level. In combination with the looser-knit designed properties on this side and section of London Road, they offer a visual transition from the closer-knit pattern of development found on the opposite side of the road. The bungalow has a simple appearance, which in combination with its setting, makes a positive contribution to the character and appearance of the area.
15. Within the surrounding area, especially on the opposite side of the road, there are a wide range of houses in terms of size, design and materials on this stretch of London Road. Despite this variation in style, form and use of materials there is a significant degree of consistency to the area given the traditional appearance of the dwellings.
16. The proposed dwelling under Appeal A would have a contemporary appearance. It would include two projecting gables containing large areas of glazing, including at first-floor level alongside dark cladding. The area has no prevailing house style, but the proposal would be viewed alongside other dwellings, including the lower-level bungalow adjacent, that are typically more traditional in appearance, particularly in respect of the amount of glazing and window styles.
17. Additionally, properties nearby have predominantly more balance and less bulk and mass at first-floor and roof-level than the proposal. The sharp contrast between the contemporary design and materials of the development and the more traditional architectural styles of nearby dwellings would be an unsympathetic and harmful change to the street scene and the surrounding countryside.
18. The dwelling proposed as part of Appeal B would have a less contemporary design, particularly to the front elevation. Nonetheless, the size of the front dormers, coupled with a projecting central front gable, would lead to an excessively bulky and top-heavy addition that would dominate the front roof plane and appear out of scale with the adjacent bungalow. The presence of this

additional mass would be further heightened by the amount of glazing proposed in the front gable, which would appear as an incongruous addition to the surrounding area.

19. The predominantly glazed rear of the scheme under Appeal B would, from my observations on site and evidence before me, be largely restricted from public views such that it would not be harmful to the street scene or countryside setting. The pitch of the roof, whilst low would not be at odds with the surrounding area given the variety of roof pitches found within the nearby area. Additionally, many ground-floor windows of surrounding properties are not symmetrical, including those in the adjacent bungalow. As such, I find that non-matching windows at ground floor level would not result in a visually incoherent design.
20. I am aware that the design of the property at 5 London Road also includes dormers and areas of upper-level glazing, which I observed on site. However, this property occupies a different position in the street scene and does not appear as top-heavy, and, in any event, its presence does not justify the appeal proposals in light of the harms identified.
21. Taking all of the above into account, the proposals would therefore harm the character and appearance of the street scene and the surrounding countryside location. As such, they would conflict with LP Policy DM9, which seeks high-quality design which contributes to the distinctive character and amenity of the local area.

Housing Mix

22. LP Policy H1 E. states that the Council will resist the loss of bungalows and specialist accommodation. This is to ensure that the supply of homes within the District meets local needs, including housing for people with accessibility requirements and older persons. The supporting text to LP Policy H1 clarifies that bungalows can play an important role because of their potential ease of adaptation, such that they can provide choice for people with accessibility requirements, including the current and future needs of older people. The LP further indicates that the District's stock of bungalows has been gradually eroded. No substantive evidence is before me to show this erosion has been rectified since the LP was adopted.
23. The appellant confirms that the dwelling proposed would achieve the required levels of accessibility and inclusivity by adhering to Building Regulations M4(2). I also acknowledge that the original property contains compromises with regard to access for those with mobility issues in the living room. However, no details have been presented as to why alternative options, such as ramps, cannot overcome this issue. Moreover, LP Policy H1 E. is clear that across the District, there is a need for a mix of accommodation sizes and types, including bungalows, and that the supply of bungalows within the overall housing stock has already been eroded. As such, whilst the scale of loss would be small, such incremental losses can cumulatively become significant.
24. For these reasons and on the evidence before me, I consider that the proposal would compromise the desire of the Council to create balanced communities and the proposal would not comply with the requirements of Policy H1 of the LP, the aims of which are outlined above.

Other considerations

25. The evidence indicates that the Council have approved two applications on the site. One for a certificate of lawful development (CLD) for a front porch, rear dormer and outbuilding and a second for prior approval rear extensions. These confirm that the existing dwelling can be extended and that an outbuilding can also be constructed in the rear garden. There is a greater than theoretical possibility that this development might take place and it forms a material consideration.
26. The development under the fall-back position would appear to amount to development of a greater internal and external footprint and volume than the appeal schemes. However, even when taking into consideration a rear dormer could be erected, the fall-back scheme relies extensively on single-storey development, including the outbuilding, which would not have the same impact on the openness of the Green Belt as the appeal proposal, which would incorporate significant floorspace at first-floor level being taller than the existing bungalow.
27. Moreover, I cannot be sure that all the developments set out would be constructed. Indeed, the appellant's evidence identifies the schemes under the CLD, and prior approval permission would result in a development that does not have the same functionality or aesthetic appeal of either of the proposed replacement dwellings. I therefore afford the fall-back position moderate weight.
28. It has been suggested that existing planting and further landscaping would offer partial screening of either of the proposed dwellings. This would only seek to mask the harms identified in the street scene and countryside setting. I therefore give this little weight in favour of either of the appeals. Additionally, any scenic views from the rear would be a private benefit to future occupants and are therefore afforded no weight in support of either proposal.
29. Both dwellings proposed under Appeal A or B would incorporate modern energy-efficient measures, including EV charging points. I attribute some weight to the use of sustainable construction and energy and water efficiency measures.
30. The loss of a bungalow would weigh against Appeal A. A replacement multi-generational family home carries some weight in favour of Appeal B. However, this weight is reduced given the existing dwelling has two bedrooms and is therefore capable of supporting a small family.
31. I have been provided with little evidence as to the structural condition of the attached garage. In any event, the existing dwelling does not appear to suffer from such issues. As such, the condition of the existing garage can only be attributed little weight.

Other Matters

32. The proposed scheme under Appeal B sought to overcome the reasons for refusal of Appeal A. However, I have found that the proposed dwelling in Appeal B would still result in inappropriate development in the Green Belt and harm the character and appearance of the area.

Conclusion

33. I have found that both Appeal A and Appeal B are inappropriate development within the Green Belt and would result in significant harm to the openness of the

Green Belt. There would also be a significant adverse impact on the character and appearance of the area. I have also found that Appeal A would harm the District's housing mix due to the loss of a bungalow.

34. The proposals should not be approved except in very special circumstances and I must attach substantial weight to any harm to the Green Belt. The weight of the other considerations do not clearly outweigh the totality of the harm. Consequently, the very special circumstances necessary to justify the development do not exist. For the reasons set out above, and having regard to all other matters, the appeals should be dismissed.

A Hickey

INSPECTOR