Planning Inspectorate

Appeal Decision

Site visit made on 19 May 2025

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2025

Appeal Ref: APP/J1535/D/24/3353721
Willows House, 3 Beechview Drive, Waltham Abbey, Essex EN9 3UB

- 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 Zoe Hillier against the decision of Epping Forest District Council.
- The application Ref is EPF/1012/24.
- The development proposed is erection of a single storey side extension with pitched roof to match existing house.

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 28 May 2025.

Decision

1. The appeal is allowed and planning permission is granted for erection of a single storey side extension with pitched roof to match existing house at Willows House, 3 Beechview Drive, Waltham Abbey, Essex EN9 3UB in accordance with the terms of the application, Ref EPF/1012/24, subject to the following conditions

   1) The development hereby permitted shall begin not later than three years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans:

      A4092/R01_Existing Block Plan, A4092/R01_Proposed Ground Floor, A4092/R01_Proposed First Floor, A4092/R01_Proposed Elevations, A4092/R01_Proposed Front Elevation and location plan.

   3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.

Main Issues

2. The Council are of the view that the proposed development does not constitute inappropriate development and I agree. The Council's decision then concluded that the proposed extension would be harmful to the openness of the Green Belt and to the character and appearance of the area. On this basis, the main issues are the effect of the proposal on, firstly, the openness of the Green Belt and, secondly, character and appearance.

Reasons

Openness of the Green Belt

3. The property lies within the Metropolitan Green Belt. The National Planning Policy Framework (the Framework) states that the construction of new buildings should be regarded as inappropriate in 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.

4. Policy SP5 of the Epping Forrest District Local Plan (LP) states that the openness of the Green Belt will be protected from inappropriate development in accordance with national policy and LP Policy DM4. Policy DM4 is broadly consistent with the purposes of the Green Belt as set out in the Framework.

5. The Council's Delegated Report describes the appeal property, and there is no evidence before me to suggest that the original building has been extended since it was built pursuant to the grant of planning permission. The proposed extension would be the first time the building has been enlarged and would see a volumetric increase of approximately 12 per cent over the size of the existing building.

6. The Council do not consider this to be a disproportionate addition over and above the size of the original building and that it falls within the exception set out in paragraph 154(c) of the Framework. I concur that this scale and volume point to the addition not being disproportionate to the original building.

7. Having found the proposal was not inappropriate development, the Council's assessment within the Delegated Report then concluded that the additional massing to the side of the building adds to the existing width and covers a significant proportion of the plot in built form. As such, the siting and positioning of the extension would be harmful to the openness of the Green Belt. On this basis, the Council stated the proposal would be contrary to Green Belt policy.

8. The Courts have found this is not the correct approach. In *Lee Valley Regional Park Authority v Epping Forest District Council* [2015] EWHC 1471 (Admin) it was held that, where development is found to be not inappropriate, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. The impact on openness is implicitly taken into account in the exceptions set out in paragraph 154 of the Framework unless there is a specific requirement to consider the actual effect on openness. The exception set out in paragraph 154(c) does not expressly state as a determinative factor the requirement to assess the impact of the development on the openness of the Green Belt in gauging inappropriateness.

9. Thus, consistent with the above judgment, having found the extension would not be a disproportionate addition to the original building, there is no place for a subsequent assessment of the effect of the development on Green Belt openness.

10. On the first main issue, I conclude that the proposed development is not harmful to the openness of the Green Belt and so accords with the Framework and LP Policies SP5 and DM4.

Character and appearance

11. The appeal property comprises a modern two-storey detached dwelling located near the head of a recently developed cul-de-sac amongst other similarly sized and designed properties. These properties are set back from the road behind good-sized front gardens and driveways. Whilst I cannot be sure they formed part of the original development, I observed various structures located to the side of some dwellings within the cul-de-sac.

12. The proposed development would be set back from the front elevation of the property and its roof set down from the principal ridge level. From that perspective, there would be limited visibility of the extension from the front elevation or much of the surrounding street.

13. In this instance, the development would appear appropriately subservient to the host property and suitably reflect the design of the main house. Given its limited visibility, it would not disrupt the uniform pattern of dwellings within the cul-de-sac. This is in part due to the use of matching materials, the setback of the extension and set-down nature of the roof levels. Moreover, the appeal property is positioned towards the end of the cul-de-sac and where seen, views would be at an angle and fleeting.

14. For the above reasons, the proposed development would not harm the character and appearance of the host property or the surrounding area. It therefore complies with LP Policy DM3 insofar as it seeks new development to avoid harm to landscape character.

Conditions

15. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. In addition to the standard implementation condition, the approved plans are listed for certainty. A condition requiring external materials to match those used on the existing building would provide for a satisfactory appearance.

Conclusion

16. For the reasons given above the appeal should be allowed.

A Hickey

INSPECTOR