



Appeal Decision

Site visit made on 9 July 2025

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 August 2025

Appeal Ref: APP/J1535/D/25/3360265

Mickleham, Theydon Road, Epping CM16 4EE

- 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 Mike Bond against the decision of Epping Forest District Council.
 - The application Ref. is EPF/2058/24.
 - The proposed development is erection of single storey extension with a glazed link to the existing Mickleham bungalow with associated landscaping and remodelling works, as per approved applications EPF/1333/24 and EPF/1602/24.
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Decision

1. The appeal is allowed and planning permission is granted for erection of single storey extension with glazed link to the existing Mickleham bungalow with associated landscaping and remodelling works, as per approved applications EPF/1333/24 and EPF/1602/24, at Mickleham, Theydon Road, Epping CM16 4EE in accordance with the terms of application reference EPF/2058/24 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings numbered: 0500 (existing site location plan), 0501 (existing site block plan), 1000 (existing ground floor plan), 1001 (existing roof plan), 1100 (existing elevations), 2001 (proposed mezzanine and roof plan), 2500 (proposed site block plan), 3000 (proposed north and south elevations), 3001 (proposed east & west elevation) and 4000 (proposed section AA).
 - 3) No development shall commence, including demolition, until tree protection has been installed as shown on MWA Arboriculture Ltd Tree Protection Plan project ref: DEV240909-1224 and drawing number MWATPP02 dated 02/09/2024. The tree protection shall be maintained as such throughout the construction period and the methodology for development (including arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey / Arboricultural Method Statement reports.

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 (the Framework) and relevant development plan policies;
- the effect on Green Belt openness and purposes;
- 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 inappropriate development

3. Mickleham bungalow is a single storey building constructed as an annex to the host property, Mickleham. Permission for the annex to be used as a separate dwelling was allowed pursuant to an appeal in April 2024¹. Subsequently a lawful development certificate (LDC) was granted for a detached garden room sited adjacent to the annex. However, neither of these permissions has yet been implemented. The annex building is set back from the road behind mature hedging and gated access with backdrop of mature trees. The site lies in the Green Belt.
4. The Framework states at paragraph 154 that development in the Green Belt is inappropriate unless one of a number of listed exceptions apply. These include under 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. Policy GBR1 of the East Herts District Plan (2018) (EHDP) states that development proposals within the Green Belt will be assessed in accordance with government guidance contained in the Framework. Neither the Framework nor EHDP Policy GBR1 define what is to be considered as a 'disproportionate' addition.
5. For the purposes of the above exception, the original building is the annex as that is the building to be extended. The annex is located some distance from the 'parent' dwelling at Mickleham and it does not form part of the 'original' building in this respect. The annex building has a volume of 298 cubic metres and the proposed addition incorporating a glazed link would have a volume of 216 cubic metres representing an increase of around 70%. The floor area comparisons are 73 sq.m. (original) and 59 sq.m. (addition) representing an increase of around 80%.
6. Neither local nor national policy indicate what is to be considered as disproportionate additions therefore it is a matter of judgement based on the particular circumstances. Whilst noting the above, the siting of the proposal at right angles to the existing annex, combined with the only slightly lower ridge height and depth would result in it appearing as a large addition, the full width of which would be visible within the street scene. This would be exacerbated by the proposed glazed link, which whilst lower in height and of a more recessive appearance, would serve to emphasise the separation between the existing annex and the proposed addition. Overall, I consider it would be a disproportionate addition.
7. Therefore, it would not comprise an exception under Framework paragraph 154 c) and would be inappropriate development in the Green Belt. For this reason, it would conflict with EHDP policy GBR1.

¹ APP/J1535/W/23/3319971

Green Belt openness and purposes

8. Due to the size and siting of the proposed addition and its location some distance from the host dwelling within an open and undeveloped part of the garden, it would result in some harm to Green Belt openness. However, given its wider location within an existing group of dwellings and the screening afforded by the mature hedgerow along the site boundaries and mature trees to the rear, this harm would be limited.
9. In terms of purposes, the only relevant one is that related to assisting in safeguarding the countryside from encroachment. However, given that the extension would be contained within the curtilage of the existing dwelling which is itself sited on the edge of a group of dwellings there would be no effect on this purpose.

Whether 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.

10. The proposed development comprises inappropriate development in the Green Belt in addition to which it would fail to preserve openness albeit only to a limited extent. Substantial harm is to be given to these harms in accordance with Framework paragraph 153.
11. The detached garden room that is the subject of the lawful development certificate² would be in the same location and of the same dimensions as the main part of the proposed additions. The only difference in built form would be the glazed link. The permission for the change of use of the existing annex has not yet been implemented and the LDC remains valid; it could therefore be implemented. The Appellant contends that this is a 'realistic' fall back and on the basis of the above I am satisfied that it represents a more than theoretical fall back position.
12. In these circumstances, the overall impact would only be that related to the glazed link. The visual impact would be very slight and having regard to its minimal size, Green Belt openness would be preserved. The residential use of the building, albeit as an addition to the annex rather than as an ancillary building to the main house, would not result in any other harmful effects.
13. I therefore find that this is a consideration of significant weight that clearly outweighs the harm by reason of inappropriateness and the limited harm to Green Belt openness arising. Thus, very special circumstances exist to justify the proposal in this Green Belt location.

Conditions

14. In addition to the standard time limit condition, a condition to refer to the approved plans is necessary in the interests of clarity. A separate condition to require matching materials is not necessary as these are specified on the approved plans. A condition to require the installation of tree protection during construction works is necessary in the interests of ensuring the health of the trees on the site though I have slightly amended the suggested wording to ensure that the tree protection remains in place throughout the construction period.

² Planning permission ref: EPF/1333/24 dated 24/06/2024

Conclusion

15. For the above reasons I conclude that this appeal should be allowed.

P B Jarvis

INSPECTOR