
Appeal Decision

Site visit made on 5 April 2017

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3rd May 2017

Appeal Ref: APP/J1535/W/17/3166824

33 Piercing Hill, Theydon Bois, Epping CM16 7JW

- 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 Mrs C Ballard against the decision of Epping Forest District Council.
 - The application Ref EPF/2037/16, dated 27 July 2016, was refused by notice dated 7 December 2016.
 - The development proposed is renovation of existing former coach house with extension to form single family dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development within the Green Belt and the effect on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the area.
 - If the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so would this amount to the very special circumstances necessary to justify the proposal.

Reasons

Green Belt

3. Policy GB2A of the Epping Forest District Local Plan and Alterations ('ALP') states that, within the Green Belt, permission will not be granted for the use of land, the construction of new buildings or the change of use or extension of existing buildings unless it is appropriate and lists 8 criteria, including development in accordance with another green belt policy¹.
4. The Council also refer to Policy GB8A which also allows for the change of use and adaption of a building within the Green Belt provided 5 criteria are all met. Amongst others, this includes that the use must not have a materially greater impact than the present use and the purpose of including land within the Green

¹ Viii of Policy GB2A.

- Belt and be in keeping with its surroundings in design terms. There is no dispute in relation to the remaining criteria.
5. Policy GB8A is more restrictive than the Framework which only requires a test of whether the extensions and alterations result in disproportionate additions over and above the size of the original building. The wording of the policies do not strictly reflect paragraph 87 of the Framework which advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, I find that they are broadly consistent with the Framework and I attach significant weight to them.
 6. The appellant refers to the proposal being 'infilling' but the building lies to the rear of properties along Piercing Hill. Given the existence of the access road and the pattern of surrounding development, it would not fill a gap between buildings in an otherwise built up frontage, a commonly understood meaning of the term infill.
 7. Nonetheless, the scale of the additional works to create a basement games room and storage area, in combination with the side extension would be considerable extensions to what is a simple and low key rural building. In particular, the extent of new roof slope would not be subservient and would significantly increase the overall mass building. The Council quote a figure of 109% as an increase, including the basement and I note that this figure does not appear to be disputed by the appellant. In my view, the totality of the extensions and alterations, when considered against the original size of the building would result in disproportionate additions over and above the size of the original building.
 8. Turning to openness, this has both spatial and visual aspects and in this case, the appeal site has a sense of spaciousness and openness around the building that positively contributes to the semi-rural and wooded setting of development. The proposed side addition would be close to the boundary with the adjoining access road and it would be clearly evident on the approach up and down in an area of the site that is free from development. It would be an overly prominent and unduly dominant addition that notwithstanding the presence of other dwellings in proximity the siting, scale and mass of the proposal would fail to preserve the openness of this part of the Green Belt. This would conflict with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open.
 9. Whilst there would be some additional effects on openness from parked vehicles, given the nature of the surroundings and presence of other rear gardens and residential paraphernalia, the effect from such additions on openness would be minimal.
 10. Taking everything together, the proposal would be a disproportionate addition that would fail to preserve openness. It does not fall within any of the exceptions outline in the ALP or the Framework and would be inappropriate development in the Green Belt, which is by definition, harmful. In accordance with paragraph 88 of the Framework, I attach substantial weight to this harm. It would also have a greater impact than the present use and would fail to preserve openness. Accordingly, it would conflict with Policies GB8A and GB2A of the ALP.

Character and appearance

11. The site is in proximity to two residential dwellings, located to the rear of the prevalent linear pattern of residential dwellings set out along Piercing Hill. Although a disproportionate addition that would fail to preserve openness, I did not find that the appearance of the proposal would be out of keeping, in both size and design terms, with the varied architecture and large scale of detached dwellings set within spacious plots, that forms the prevailing character and appearance of the area.
12. Moreover, other hard surfaces and garden areas were visible along with associated residential paraphernalia and the addition of a further hardstanding and domestic paraphernalia for a 1 bedroom dwelling would not have any material effect on the prevailing character and appearance of the area. For these reasons, the proposal would not conflict with Policies CP2 and DBE1 of the ALP, which, amongst other things require new buildings to be appropriately designed, employ acceptable materials and protect the quality of the rural and built environment.

Other Considerations

13. The scheme would provide a 1 bedroom additional dwelling and associated social and economic benefits. However, given it is only a single dwelling such benefits would be small and this consideration only carries minimal weight in favour of the proposal. I also acknowledge that there would be no harm to the living conditions of adjoining or future occupiers but I give no weight, in this particular case, to mere compliance with the normal development management design and amenity objectives of the development plan and the Framework given its Green Belt location.

Other Matters

14. I accept that discussions with officers prior to making the application may have taken place and that the proposal was recommended for approval by officers. However, the Council's administration and determination of the appeal are not matters for me to address as part of this appeal.
15. It has been brought to my attention that planning permission has also subsequently been granted for a similar development² by the Council. However, I have not been provided with the full details and cannot therefore be certain it is directly comparable to the appeal proposal before me. In any event each case must be determined on its own merits and it does not therefore alter my view in relation to the main issues.

Conclusions and planning balance

16. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that 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.

² EPF/3295/16.

17. The other considerations put forward do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness and harm to openness. Consequently, the very special circumstances necessary to justify the development do not exist.
18. For the reasons set out above, although I have not found harm to the character and appearance of the area, the proposal would conflict with the development plan, when taken as a whole and the Framework. Material considerations do not indicate that a decision should be made other than in accordance with the development plan and having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR