



Appeal Decision

Site visit made on 5 February 2013

by **Mike Moore BA(Hons) MRTPI CMILT MCIHT**

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

Decision date: 7 March 2013

Appeal Ref: APP/J1535/A/12/2185957

New House Cottages, Little Laver Road, Moreton, Ongar, CM5 0JE

- 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 The Clarkson Partnership against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/1153/12, dated 12 June 2012, was refused by notice dated 26 September 2012.
 - The development proposed is amendments to application PL/EPF/0988/10 for replacement of New House Cottages with a single dwelling house and provision of a new access and orangery.
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Decision

1. The appeal is allowed and planning permission is granted for amendments to application PL/EPF/0988/10 for replacement of New House Cottages with a single dwelling house and provision of a new access and orangery at New House Cottages, Little Laver Road, Moreton, Ongar, CM5 0JE in accordance with the terms of the application, Ref PL/EPF/1153/12, dated 12 June 2012, and the plans submitted with it, subject to the following conditions:
 - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development falling within Schedule 2, Part 1, Classes A, B, C, D and E shall be carried out without the written approval of the local planning authority.
 - 2) The landscaping scheme for the site approved under Ref. EPF/2625/10 shall be fully implemented, including all tree and hedge planting shown, within 12 months of the date of this permission. If within a period of 5 years from the date of planting any tree, shrub or plant is removed, uprooted or destroyed or becomes seriously damaged or defective another tree, shrub or plant of a similar species and size as that originally planted shall be planted at the same place in the next planting season, unless the local planning authority gives written approval to any variation.
 - 3) Once established, the boundary hedging in the approved scheme of landscaping shall be maintained at a height of not less than 1.5m.

Main Issues

2. The main issues are:

- Whether the proposal is inappropriate development in the Metropolitan Green Belt for the purposes of the National Planning Policy Framework ('the Framework') and development plan policy.
- The effect of the proposed development on the openness of the Green Belt; and
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. The appeal site was originally occupied by a pair of semi-detached cottages. Planning permission was granted in 2010 for their replacement by a single dwelling. A detached garage block was permitted separately in 2011. The cottages have been demolished and I saw on my visit that a replacement dwelling and garage block had been constructed. The dwelling incorporates a single storey rear orangery which was not included in the planning permission for the house. Permitted development rights for extensions were withdrawn by a condition of the 2010 permission and the appeal application is in effect seeking planning permission for a dwelling that includes the orangery. Some development had been carried out before the application was submitted and in the circumstances I have considered the proposal as retrospectively made.
4. The site is within the Metropolitan Green Belt where the Framework indicates that the construction of new buildings is inappropriate except where, amongst other matters, it involves the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces. In this case the residential use remains the same.
5. Policy GB2A of the Epping Forest District Local Plan Alterations (LP), adopted in 2006, indicates that planning permission will not be granted for new buildings in the Green Belt unless, amongst other things, it is a replacement dwelling that accords with LP Policy GB15A. The latter permits such a proposal where it would not be materially greater in volume than that which it replaced, it would not have a greater impact on the openness of the Green Belt than the original dwelling and it would not result in the size of the garden exceeding that which it replaced. On the last point, the development has not led to a larger garden.
6. The Council calculates that the permitted dwelling would result in an increase of about 10% in volume compared with the two semi-detached houses and an approved, unimplemented extension. Having regard also to the removal of existing outbuildings and the permitted development allowance for both original dwellings, the appellants estimate that the permitted building would result in a 2 cubic metre decrease. They also state that the orangery results in a 4% increase in floorspace of the permitted dwelling while the Council indicates that it would add 5% to the volume.
7. The LP is broadly consistent with the Framework in its approach but does not offer detailed guidance as to when an increase in volume would become material. The basis on which a replacement dwelling would be materially larger will therefore depend on the particular circumstances of the case. Whichever way it is calculated the orangery does not add significantly to the size of the building as permitted. I recognise that the Council consider that the permitted dwelling is the maximum

that is acceptable, but in my view the addition of the orangery is not so significant that a material increase in size over the original dwellings has occurred. As such, I conclude that the proposal is not inappropriate development in the Metropolitan Green Belt.

8. Openness is an essential characteristic of the Green Belt. The appeal site is in an isolated setting of generally flat open countryside with fields to the front and rear. It is close to a small hamlet of farm buildings and dwellings at Newhouse. The development has resulted in the removal of outbuildings that were more dispersed on the site than the new dwelling and garage.
9. The orangery has the appearance of a conservatory and is of limited size. The site is on a gentle bend in the road so that, although the orangery is at the rear of the dwelling and boundary vegetation may provide screening in due course, it can be seen from the road at the side of the property. The orangery does not extend any further rearwards than the 2-storey north wing of the building and is seen against the backdrop of that when viewed from the road. In this context, the addition of the orangery when considered with the permitted dwelling has not resulted in a material loss of openness. I therefore conclude that the openness of the Green Belt has not been harmed by the development.
10. As the development is not inappropriate and would not harm openness there is no need to balance any harm against other considerations in terms of the third main issue. Accordingly, the development accords with the aims of the Framework and LP Policies GB2A and GB15A.
11. There is concern at the loss of two smaller dwellings in this rural location. Nonetheless, the principle of a single, larger replacement dwelling was accepted by the earlier planning permission and the additional presence of the orangery does not materially alter this. The approved house is a substantial building and prominent as a result. However, the existing permission required a landscaping scheme by condition, which as it matures would change the visual impact of the development and ensure that it would not significantly harm the character and appearance of the countryside. Landscaping has taken place at the site but it is not clear that this is the scheme required by the Council. On a precautionary basis, therefore, conditions to secure the implementation of this as intended should be attached to a permission for the appeal scheme. I have varied the timescale suggested by the Council for implementation of the landscaping to include the next planting season. None of the other matters raised are of such significance that they would outweigh the considerations that have led to my conclusions on the main issues.
12. In addition to the landscaping conditions I have considered those suggested by the Council in the light of the advice in Circular 11/95. Conditions relating to the closure of the original access and the surface treatment of the new access are unnecessary as these aspects of the development have already taken place. Given the size of the dwelling in comparison with the previous structures on the site and the need to safeguard the openness of the Green Belt, a condition withdrawing some permitted development rights is both reasonable and necessary. As the development has already taken place, reference to tree protection and retention in a condition is unnecessary.
13. For the reasons given above I conclude that the appeal should be allowed.

M J Moore

INSPECTOR