



Appeal Decision

Site visit made on 14 July 2016

by Philip Willmer BSc Dip Arch RIBA

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

Decision date: 29 September 2016

Appeal Ref: APP/G2245/D/16/3149867

Thimble Hall Cottage, Fordcombe Road, Penshurst, Kent, TN11 8DL.

- 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 John Nicol against the decision of Sevenoaks District Council.
 - The application Ref SE/15/04008/HOUSE, dated 22 December 2015, was refused by notice dated 16 February 2016.
 - The development proposed is for 2 number single storey extensions to existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for 2 number single storey extensions to existing dwelling at Thimble Hall Cottage, Fordcombe Road, Penshurst, Kent, TN11 8DL in accordance with the terms of the application, Ref SE/15/04008/HOUSE, dated 22 December 2015, and the plans submitted with it, 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: drawings numbered: AL(0)06, AL(0)07-REV A, AL(0)08-REV A and AL(0)09-REV B.
 - 3) The materials used in the construction of the development shall be those indicated on approved plan AL(0)09-REVB.
 - 4) The three outbuildings within 5.0 metres of the dwelling, marked as outbuildings 1, 2 and 3 on the proposed ground floor plan AL(0)06, shall be removed prior to the commencement of development and shall not be replaced thereafter.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within classes A or E of Part 1 of Schedule 2 shall be carried out within the curtilage of the dwelling.

Procedural Matters

2. The appeal site is located in the Penshurst Conservation Area. I am required therefore to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to

the desirability of preserving or enhancing the character or appearance of that area. Therefore, although not a reason for refusal, I shall nevertheless, as I am required to do, consider this as one of the main issues in this appeal.

3. The evidence in respect of the appellant's intention concerning the retention or otherwise of the three small outbuildings located within five metres of the main dwelling was initially unclear. However, he has confirmed, in an email dated 13 August 2016, that it is intended to remove all three outbuildings, marked 1, 2 and 3 on the proposed ground floor plan AL(0)06. I shall proceed to determine the appeal on this basis.

Main Issues

4. I consider the main issues in this case are:
 - a) whether the proposal constitutes inappropriate development in the Green Belt having regard to its effect on the openness of the Green Belt; and
 - b) whether the proposal would preserve or enhance the character or appearance of Penshurst Conservation Area having regard to its location in an Area of Outstanding Natural Beauty (AONB).

Reasons

5. The property the subject of this appeal, Thimble Hall Cottage, is a two-storey detached dwelling with a basement. The dwelling sits in a large garden plot with a detached garage, a small detached outbuilding and a further three small outbuildings that are within five metres of the dwelling. It is located in the Metropolitan Green Belt, the Penshurst Conservation Area and an AONB.
6. The appellant proposes the construction of two single storey additions along with the removal of three small outbuildings within five metres of the dwelling. One extension would be built off the western elevation to form a garden room, while that to the eastern elevation would create a porch/lobby.

Whether the proposal is inappropriate development in the Green Belt

7. Paragraph 89 of the National Planning Policy Framework (the Framework) indicates that with some exceptions, the construction of new buildings is inappropriate in the Green Belt. One such exception is 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.
8. Policy GB1 of the Sevenoaks Allocations and Development Plan (Adopted February 2015) (ADMP) advises that proposals to extend an existing dwelling within the Green Belt which meets the three criteria set out in the policy will be permitted. Criterion c) requires the applicant to provide clear evidence that the floorspace of the proposal, together with any previous extensions, alterations and outbuildings, would not result in an increase of more than 50% above the floorspace of the 'original' dwelling (measured externally) including outbuildings within five metres of the existing dwelling.
9. The Council states it is satisfied that the dwelling is lawful and permanent in nature (as required by criterion a) of ADMP Policy GB1). However, it contends that according to its calculations the proposed increase in floor area would be

some 87% that is well in excess of the 50% limit set out in Policy GB1. It therefore considers the proposal to represent a disproportionate addition over and above the size of the original building and thereby an inappropriate form of development. In reaching this figure the Council has discounted the basement floor area of 28 square metres from its calculation of the floor area of the original house as it maintains that it is not original.

10. The Council has reached its conclusion on the basement on the basis that it was not shown on the application drawings for a modest extension submitted to the Council in 1979 (Ref: 79/01043/HIST). Nor indeed was any means of access to it or window to light and ventilate the basement indicated on those drawings. A later application dating from 2000 (Ref: 00/00260/FUL) did, however, show a basement under the dwelling. However, the Council contends that the basement shown was significantly smaller than that on the current plans. Further, the drawing of the basement does not illustrate either internal access or any form of opening in the outside wall.
11. The appellant has provided a copy of the 1979 application drawings. From these I can see that the basement and access to it has not been shown. There is also no window to the basement evident on the side elevation provided. However, there is equally no first floor plan, only two elevations and the ground floor plan provided appears incomplete. In my experience, having regard to the modest scale of the development then proposed, the limited detail provided on the drawings was not necessarily unusual for that time. Accordingly, I do not consider that the lack of a basement plan, the fact that the stair to the basement is not shown and any existing window to the basement is missing from the drawings is conclusive evidence that the basement did not exist in 1979.
12. While the copy of the 2000 plan of the basement submitted by the appellant is not to scale, the layout and proportions are very close to those shown on the application drawing, the subject of this appeal, and generally accord with what I saw on site. Although the layout of the basement is somewhat sketchy, staircase access from the ground floor is clearly shown in the position it is today as indeed is an opening in the west elevation, albeit narrower than the present window. Based on the evidence before me I am therefore not persuaded, as suggested by the Council, that the basement was only served by an access hatch and did not benefit from internal staircase access and a window or at least an opening in the west wall, rendering it only a non-habitable wholly subterranean space. The sectional drawing submitted as part of the 2000 application clearly shows not only an opening in the west wall but also the staircase shaft extending below ground floor level.
13. From my observations on site I would agree with the appellant that due to the undisturbed nature of the brickwork to the south of the present window opening and the use of queen closers, there has historically been an opening in the west wall below ground floor level but above the external ground level. Furthermore, in my judgement, given the plan form of the basement room and the fact that the living room chimney breast extends down into it and is evident in the basement room, and the exposed external brickwork of the basement envelope matches that of the building above, I consider that it is very unlikely that the basement was built sometime between 1979 and 2000 as the Council asserts in its evidence. Accordingly, taking all those matters into account I consider, on

the balance of probabilities, that in this case the basement is original and should therefore be included in the floor area of the existing dwelling in 1948 for the purpose of calculating the percentage increase in floor area now proposed.

14. The appellant has confirmed that he intends to remove the three outbuildings within five metres of the dwelling (numbered 1, 2 and 3 on drawing number AL (0) 03) and that he and would be prepared to accept a condition to this effect if I were minded to allow the appeal. Accordingly, based on the Council's calculation, this would result in a reduction in the overall increase in floor area over that which existed in 1948 by some 16.75 square metres.
15. Having regard to the foregoing and based on the figures provided, the floor area of the original dwelling, including the basement and an outbuilding that existed in 1948 since removed, amounts to about 152 square metres and the proposed increase, allowing for the removal of the three identified outbuildings, would be some 64 square metres or an increase of about 42%. As this is within the 50% limit set out in Policy GB1, I therefore do not consider that the proposal would result in disproportionate additions over and above the size of the original building. It would therefore not be inappropriate development in the Green Belt. Further, the removal of the existing three identified outbuildings would, when compared to the proposed extensions, to my mind enhance the openness of the Green Belt. The proposal therefore satisfies the provisions of ADMP Policy GB1 and the Framework.

The effect of the proposal on the Peshurst Conservation Area having regard to its location in the AONB

16. The Council considered that the proposal would preserve the character of the Peshurst Conservation Area and would also serve to preserve and enhance the special landscape character of the AONB.
17. Thimble Hall Cottage is identified as a building that despite its location on the outskirts of the Conservation Area contributes to the character of the area. Given what in my judgement are modest, sympathetic and proportionate additions, I find no reason, based on what I have seen and read, to form a contrary view.
18. The proposal would therefore accord with ADMP Policies EN4 and EN5 and the Framework as they relate to the preservation or enhancement of the character or appearance of conservation areas and the need to conserve the character of the landscape of the AONB.

Conditions

19. The conditions follow from those suggested by the Council. In order to ensure a high quality development I have included a condition about building materials. In order to prevent inappropriate development in the Green Belt, I shall also include a condition requiring the three identified outbuildings within five metres of the dwelling to be removed prior to the commencement of the development.
20. To avoid inappropriate development in the Green Belt, I will remove permitted development rights in respect of development within classes A or E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)

(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

21. For the avoidance of doubt and in the interests of proper planning, I shall also impose a condition requiring the development to be undertaken in accordance with the approved plans.

Conclusions

22. For the reasons given above and having regard to all other matters raised, I conclude that the proposal is in accordance with the development plan, when read as a whole, and that the appeal should be allowed.

Philip Willmer

INSPECTOR