
Appeal Decision

Site visit made on 18 October 2016

by Nicola Davies BA DipTP MRTPI

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

Decision date: 07 November 2016

Appeal Ref: APP/G2245/W/16/3152922

Blowers Hill, Grove Road, Penshurst, Tonbridge, Kent TN11 8DU

- 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 & Mrs Nick Blofeld against the decision of Sevenoaks District Council.
 - The application Ref SE/16/00043/FUL, dated 26 January 2016, was refused by notice dated 22 March 2016.
 - The development proposed is demolition of existing single garage, proposed extension to residential curtilage to facilitate the erection of a proposed double garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - The effect of the proposal on the openness of the Green Belt and the character and appearance of the area which is within the High Weald Area of Outstanding Natural Beauty (AONB); 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 lies in the countryside and comprises a detached property with two garages, one positioned immediately inside the access to the site (and the subject of this appeal) and the other toward the end of the drive closer to the dwelling. Other built development in the area is sparse. The surroundings are notable for the rolling landscape and densely wooded areas that characterise the AONB. This has the highest status of protection in relation to landscape and scenic beauty. The landscape falls away to a valley at the west from which the existing single garage is clearly visible as it punctures the hedgerow that
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forms the western boundary of the appeal site and projects into the adjacent field.

Whether inappropriate development

4. The appeal site is situated in the Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. In addition the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 89. Two of the exceptions cited are the extension of a building provided that it does not result in disproportionate additions over and above the size of the 'original building' or the new building is in the same use and not materially larger than the one it replaces.
5. This proposal seeks to replace a residential single garage with an enlarged double garage. This however would require the utilisation of land beyond the residential curtilage thus creating built development in the Green Belt. The Council indicate that approximately 30.25m² of Green Belt land would be incorporated into the residential curtilage of Blowers Hill. They also indicate that the height of the proposed garage would be approximately 6.3m at the rear (west) which is the elevation most visible from the adjacent countryside. This would result in significant enlargement of the residential curtilage and the replacement building would be a substantially larger structure than the existing single garage and also result in disproportionate additions to the original building. Consequently, the appeal development would not satisfy any of the exception criteria set out in paragraph 89 of the Framework.
6. Policy GB3 of the Sevenoaks Allocations and Development Management Plan sets out the general criteria against which outbuildings located more than 5m from the existing dwelling will be considered. This requires such outbuildings to be ancillary to the main dwelling in terms of their function and design and not to materially harm the openness of the Green Belt through excessive bulk or visual intrusion. The proposal seeks to replace the existing single garage with a larger double garage. I am satisfied that the proposed double garage would be an ancillary building to that of the dwelling. However, this policy resists development that would harm the openness of the Green Belt and cause visual intrusion. This is consistent with the Framework.
7. Supplementary Planning Guidance (SPD) Green Belt deals with Garden/Curtilage Extensions and contains guidance relating to the approach the Council will take in considering such proposals. The SPD is in line with the Framework as it states that garden and curtilage extensions into the Green Belt are inappropriate development which will not be permitted as the Council recognises that these types of extension can detrimentally impact on the openness of the Green Belt.
8. The extension of residential curtilage into the Green Belt and the substantial increase in built development in this location would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

Openness and character and appearance

9. The replacement building would be materially larger than the one it would replace increasing the width, depth and height. As noted above, because the land falls away the effect of the height would be exaggerated and would increase the visual prominence of the development.
10. The Framework advises at Paragraph 79 that openness is an essential characteristic of Green Belts. The projection of an enlarged garage into the Green Belt would create urban related built development that would have a negative effect on its openness. Accordingly, there would be a significantly adverse effect on the openness of the Green Belt.
11. Additionally, by adding to the overall amount of urban related development at the site, the new garage would erode the rural character of the area. The proposal therefore, by reason of its excessive bulk and visual intrusion into the countryside, would be harmful to the character and appearance of the area and the AONB that affords this landscape the highest status of protection.

Other considerations

12. The appellants submit that the design of the new garage incorporating a tiled roof with a low eaves level to the rear elevation, and the part brick/part oak featheredged boarding elevational treatment, and reduction in brickwork compared to that of the existing garage, would enable the proposal to blend into the backdrop of the hedge. It is suggested that for these reasons the proposal would appear less dominating and not detract from the openness of the Green Belt. I do not consider that these factors would make the proposed development any less visible or negate the harm identified above.
13. The appellants suggest the proposal relates to a small area of poor quality grazing land and the size of the development would not be noticeable from vantage points and the nearest public footpath and is screened from the adjacent highway by trees and hedge. When weighed in the balance I give neutral weight as harm to the Green Belt would occur regardless of the quality of the grazing land or whether or not the development would be visible from public footpaths and public highways.

Conclusions

14. The proposed development would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt.
15. I have determined the appeal on the basis of the information before me. The harm caused by the inappropriateness of the development and its effect on openness and the character and appearance of the area and AONB carry substantial weight. In contrast, the other considerations advanced in support of the scheme carry comparatively little weight. For the reasons given above, and having regard to all other matters raised, I conclude that there is no consideration sufficient to clearly outweigh the harm to the Green Belt.
16. There are, therefore, no very special circumstances to justify the proposed double garage and extension of the residential curtilage. The appeal development would conflict with Policy SP1 of the Sevenoaks Core Strategy, Policies EN1 and GB3 of the Sevenoaks Allocations and Development Management Plan and the Sevenoaks Green Belt SPD, and the advice in the

Framework. Accordingly the appeal is dismissed and planning permission is refused.

Nicola Davies

INSPECTOR