
Appeal Decision

Site visit made on 15 November 2016

by P W Clark MA MRTPI MCMI

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

Decision date: 21 November 2016

Appeal Ref: APP/G2245/D/16/3160342

Dallington, London Road, Halstead, Sevenoaks TN14 7DR

- 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 Elliot Stedman against the decision of Sevenoaks District Council.
 - The application Ref SE/16/01169/HOUSE, dated 14 April 2016, was refused by notice dated 8 July 2016.
 - The development proposed is a one/two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a one/two storey rear extension at Dallington, London Road, Halstead, Sevenoaks TN14 7DR in accordance with the terms of the application, Ref SE/16/01169/HOUSE, dated 14 April 2016, 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: 1603/2A, 1603/3A, 1603/4 and 1603/5 (version dated November 2016 and entitled roof plan)

Main Issues

2. These are;
 - Whether the proposal would be inappropriate development in the Green Belt
 - The effect of the proposal on
 - The openness of the Green Belt
 - The character and appearance of the dwelling
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and, if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

3. The proposal would be within the Green Belt which here washes over two lines of dwellings fronting London Road and Watercroft Road in the vicinity of
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Knockholt Station. Paragraph 89 of the National Planning Policy Framework (NPPF) advises that the construction of new buildings is inappropriate in the Green Belt. Exceptions include 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.

4. There are various ways of judging whether a proposal would represent a disproportionate addition. One is to assess its footprint. Information submitted suggests that the existing footprint of the building is about 108 sq m and that the proposal would add about 54 sq m, a 50% increase.
5. Another way of assessing the proportionality of an addition is by examining its floorspace. Information submitted suggests that the existing floorspace is about 152 sq m and that the proposal would add 93 sq m, a 61% increase.
6. The appellant points out that Prior Approval has been granted in accordance with the General Permitted Development Order (GPDO) for a single storey rear extension offering an increase in footprint of 86 sq m (80%) and of 57% in floorspace. This could be constructed if the current appeal were to be dismissed. The GPDO applies to the Green Belt without modification. It goes without saying that, in setting out the provisions of the GPDO the government has had regard to what would be proportionate and so the outworking of the GPDO gives a good indication of what should be regarded as proportionate or otherwise.
7. In the light of that information and notwithstanding the requirement in policy GB1(c) of the Council's Allocations and Development Management Plan Development Plan Document adopted in February 2015 that total floorspace should not be increased by more than 50% by extensions to dwellings within the Green Belt, the proposed extension cannot be regarded as disproportionate.
8. I therefore conclude that the proposal would fall within one of the exceptions listed in paragraph 89 of the NPPF and that in consequence the proposal would not be inappropriate development within the Green Belt.

Openness

9. A proposal may be not inappropriate development in the Green Belt yet may still affect its openness. However, the courts have held¹ that where development is found to be not inappropriate in the Green Belt, it should not be regarded as harmful to its openness; the question of impact on openness is no longer an issue.

Character and appearance

10. The property is one of a pair of identical chalet bungalows. It has a hipped roof with a ridge running from side to side and a large, flat-roofed rear dormer with four casement windows. It is set forward of its matching neighbour by about 2m.

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Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

11. The proposal is described by both parties as a two-storey extension, which is technically correct but the first floor would be contained within the roofspace, as is that of the existing dwelling. It would maintain the form of the dwelling as a hipped roofed chalet bungalow but it would be extended to the rear by about 6m. There would be a small area of flat roof at its apex, not apparent from any public viewpoint, so that the overall height of the roof would be unchanged. Its similarity of form, albeit larger size, would leave the character of the property unaffected.
12. The Council describes the proposal as adding a rear dormer with a mix of French windows, floor to ceiling windows and smaller windows but this is incorrect and misleading. The property already has a rear dormer. So does its matching neighbour. It would be replaced by a slightly wider dormer on the repositioned roof slope, not with French windows but with four casements of slightly squatter proportions than those on the existing dormer. The similarity of the dormer would leave the character of the property unchanged.
13. The ground floor rear elevation would be fenestrated, as is the existing rear elevation, by a mixture of French windows and casements, so resulting in no change to its character or appearance other than its advancement into the rear garden. There would be a further single storey projection of a metre or so with a "crown" roof (i.e. hipped but rising to a flat roof rather than a ridgeline, so as to sit beneath the rear dormer). Of all the elements of the proposal, this alone would offer an appearance different to that of the existing building but, because designed in a similar style, not so different as to cause any harm whatsoever to the character of the building.
14. I conclude that the proposal would not harm the character or appearance of the existing building. It would comply with policies EN1(a) and GB1(b) (though not (c)) of the Council's Allocations and Development Management Plan DPD adopted in February 2015. These require the form of a proposal to respond to the scale height, materials and site coverage of the area and to respond to the original form and appearance of the building.

Outweighed

15. There is no harm to the Green Belt by reasons of inappropriateness. Consequently any issue of harm to openness falls away. There would be no harm to the character of the existing building although it would be enlarged by a degree greater than that allowed by the Council's policy GB1(c). It follows that there are no very special circumstances required to justify the proposal and so I allow the appeal.
16. In the event of my allowing the appeal, the Council suggests three conditions. In addition to the statutory condition requiring commencement within three years, compliance with the approved plans would be necessary to ensure that the proposal remained consistent with the character and appearance of the existing building. The use of matching materials is shown on the plans and so would not require a separate condition. With these conditions, I allow the appeal.

P. W. Clark

Inspector