
Appeal Decision

Site visit made on 14 November 2016

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 2 December 2016

Appeal Ref: APP/G2245/D/16/3159633

Elphinstone, Honeypot Lane, Edenbridge, Kent TN8 6QJ.

- 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 Julian Sapietis against the decision of Sevenoaks District Council.
 - The application Ref SE/16/01351/HOUSE, dated 29 April 2016, was refused by notice dated 28 July 2016.
 - The development proposed is the construction of a single storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey extension at Elphinstone, Honeypot Lane, Edenbridge, Kent TN8 6QJ in accordance with the terms of the application, Ref SE/16/01351/HOUSE, dated 29 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PLN 99/B rev B, PLN 03 rev A and PLN04/C rev C.

Main Issue

2. The main issue is whether the proposal would constitute inappropriate development in the Green Belt and, if so, whether there are any very special circumstances which outweigh the harm that is caused, by definition, by such development and any other harm.

Reasons

3. The appeal property is a relatively modern bungalow situated on the western edge of a small enclave of development located between the Kent Brook, the railway line and Honeypot Lane. Despite the presence of other dwellings, the area is unmistakably rural. Although it has not been previously extended, the appeal property is a replacement dwelling that was granted planning permission on appeal¹.
4. The site is situated within the Green Belt and therefore paragraph 89 of the Framework is relevant. This states that new buildings inside the Green Belt are inappropriate unless, amongst other things, it involves the limited extension of

¹ LPA Ref: SE/95/00981/HIST

an existing dwelling. This is provided that it does not result in disproportionate additions over and above the size of the original building. Most significantly in this case, the Framework defines the 'original building' as that which existed on 1 July 1948 or, if constructed after 1948, as it was built originally (my emphasis).

5. At the local level, these aims are reflected in Policy GB1 of the Council's "*Allocations and Development Management Plan 2015*" (the ADMP) which states the extension to dwellings will be permitted where they meet a number of criteria. Of particular relevance in this instance is criterion b) which states that the design of the extension should respond to the original form and appearance of the building and should be proportional taking into account previous extensions. Criterion c) goes on to state that the floor space of the proposal together with any previous extensions, alterations and outbuildings should not result in an increase of more than 50% above the floor space of the original dwelling.
6. The appeal scheme seeks permission for a side extension extending some 4 metres from the side (north) elevation. It is common ground that the existing building has a floor area of around 140m² and has not been extended since it was constructed in 1999. According to the appellants, the appeal scheme would add 28m² of floorspace which equates to a 20% increase which is within the tolerances allowed in Policy GB1.
7. I appreciate the Council's view that the existing dwelling is significantly larger than the one it replaced. However, given the definition of 'original building' provided in the Framework, it is logical that any assessment in terms of any size increase should relate to the replacement building as opposed to the building it replaced.
8. Therefore, I consider that the proposed extension would not result in disproportionate additions over and above the size of the original building. Accordingly, the proposed extension would not be inappropriate development within the Green Belt for the purposes of the Framework (paragraph 89) and Policy GB1 of the ADMP. It would not harm openness and I agree with the Council's assessment that the proposal would cause no other harm.

Conclusion

9. No conditions have been suggested by the Council, therefore to provide certainty, I have imposed a standard time limit condition together with a condition specifying the approved plans.
10. Based on the foregoing and taking into account all other matters, I conclude that the appeal should succeed.

D. M. Young

Inspector