
Appeal Decision

Site visit made on 14 November 2016

by G D Jones BSc(Hons) DipTP DMS MRTPI

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

Decision date: 2nd December 2016

Appeal Ref: APP/K2230/D/16/3156172

The Haven, Brimstone Hill, Meopham, Gravesend DA13 0BN

- 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 Dr H Hundal against the decision of Gravesham Borough Council.
 - The application Ref 20160443, dated 3 May 2016, was refused by notice dated 21 July 2016.
 - The development proposed is described as construction of an extension to the existing dwelling, being a subterranean building comprising a swimming pool, changing rooms, shower, plant room, and garage for three vehicles with canopy, erection of gabion retaining walls and entrance staircase.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of an extension to the existing dwelling, being a subterranean building comprising a swimming pool, changing rooms, shower, plant room, and garage for three vehicles with canopy, erection of gabion retaining walls and entrance staircase at The Haven, Brimstone Hill, Meopham, Gravesend DA13 0BN in accordance with the terms of the application, Ref 20160443, dated 3 May 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: 82A – ground & lower ground level plan; 83A - Proposed block site plans; 84 – existing block site plan; 85 - subterranean garage & swimming pool; 86A – ecological proposals; 88 - location plan.

Main Issues

2. The main issues are whether the proposed development is inappropriate development in the Green Belt and its effect on the openness of the Green Belt and on the character and appearance of the area, including the Kent Downs AONB.

Reasons

Green Belt - Whether Inappropriate Development and Effect on Openness

3. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 80 identifies that the Green Belt has five purposes: to check the unrestricted

- sprawl of large built-up areas; to prevent neighbouring towns merging onto one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
4. The Framework goes on to state that inappropriate development is harmful to the Green Belt and that openness is an essential characteristic of the Green Belt. All proposals for development in the Green Belt should be treated as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the list of exceptions in either paragraph 89 or 90 of the Framework. One of the exceptions cited is the extension of a building provided that it does not result in disproportionate additions over and above the size of the 'original building' (the third bullet point to para 89).
 5. In terms of local Green Belt policy, the evidence indicates that Policy C13 of the Gravesham Local Plan First Review 1994 (the Local Plan) is relevant. It allows extensions to dwellings of one third of the gross area of the original dwelling unless the increased floor space has no overall effect on the existing bulk and massing of the dwelling.
 6. There is broad agreement between the main parties that the proposed development would represent an extension to the main dwelling. I have found no reason to disagree, such that I have treated the proposal as an extension in the terms of Local Plan Policy C13 and the third bullet point to para 89 of the Framework.
 7. The parties' evidence regard the area of the proposed development differs, with appellant indicating that it would result in a 36.75% increase relative to the original dwelling while the Council considers that the overall increase ranges from 37% to 47% depending on how a canopy is treated. The main difference therefore appears to concern whether the proposed canopy space of the extension should be included in the floor space. Given that it would be largely enclosed I consider that it should be included in a floor space calculation for the purposes of Policy C13 of the Local Plan. Consequently, the appeal development would comfortably exceed the 'one third' gross floor area threshold of the Policy.
 8. However, the Framework in this regard is concerned with size at large rather than just floor space. This approach is also broadly reflected in the wording of Policy C13 insofar as it is permissive of development that would have no overall effect on the existing bulk and appearance of the dwelling.
 9. The proposed development would be largely subterranean, such that it would broadly follow the existing topography and result in only a limited increase in the ground level. While I appreciate that there would be other externally apparent manifestations of the underlying built form and use, such as the roof lights and light therefrom, hardstanding, stairway, retaining walls and garage entrance, I also note that development would necessitate the removal of two outbuildings to the west of Rose Cottage thereby increasing openness. The provision of subterranean garaging would also be likely to have a positive effect on openness as vehicles would be likely to be parked therein rather than at ground level.

10. Taking all of these considerations into account, along with the wider evidence on this matter, I consider that notwithstanding the reasonably large scale of the proposed additional floor space, overall the proposed extension would not result in disproportionate additions over and above the size of the original building nor that it would have a material effect on the existing bulk and appearance of the dwelling.
11. For all of the reasons outlined above, the proposal would not be inappropriate development in the Green Belt nor would it have a negative effect on Green Belt openness. In this regard, therefore, it would not conflict with Policy C13 of the Local Plan or with the Framework.

Character and Appearance

12. The May 2009 Gravesham Landscape Character Assessment recognises that tree cover is dominant in this area and that it creates a very enclosed landscape with limited views and that some plots and buildings are becoming indistinct and enclosed by suburbanised walls, including some incongruous elements replacing traditional features through the modernisation of vernacular buildings. The aims for this character area include introducing design standards to attempt to halt the erosion of the area with inappropriate development and to resist proposals that introduce inappropriate designs and materials. Similar aims are included within the Kent Downs AONB Landscape Design Handbook which includes the relevant area within the West Kent Downs Local Character Area and seeks to ensure any new development does not erode rural character and seeks to overcome creeping suburbanisation.
13. I recognise that there has been a substantial amount of development over recent years at the appeal site and that the evidence indicates that a considerable amount of planting has also been cleared from the site. This is consistent with what I observed when I visited the area. There remains, however, substantial mature planting within the site and on the neighbouring land, which is characteristic of the area. This planting also serves to largely screen the site such the development within it has a limited influence on the character and appearance of the surrounding area.
14. Within the site, notwithstanding the context of existing development, for the reasons outlined in the preceding section regarding its effect on the Green Belt, the appeal development would have a neutral effect on the character and appearance of the area at large, including the site itself. This is in large part due to the predominantly subterranean nature of the proposed works. Those works that would be visible would be of a reasonably limited scale, such that I am not persuaded that they would have a material impact on the area's character and appearance.
15. For these reasons, therefore, the proposed development would not have a harmful effect on the character and appearance of the area, including the Kent Downs AONB. Consequently, there is no conflict in that regard with Policy C13 of the Local Plan, Policies CS02 (scale and distribution of development) and CS12 (green infrastructure) of the Gravesham Local Plan Core Strategy 2014 or with the Framework.

Other Matters

16. I have also taken into account the representations from interested parties both in opposition to and in support of the appeal development as well as the other appeal decisions referred to in the evidence. However, having considered all of the evidence before me in the specific circumstances of the case these considerations have not led me to a different overall decision.

Conditions and Conclusion

17. In addition to the standard commencement condition, a condition would be necessary to specify the approved drawings in order to provide certainty.
18. For all of the reasons given above, I conclude that the appeal should be allowed.

G D Jones

INSPECTOR