
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: 5 December 2016

Appeal Ref: APP/G2245/D/16/3160119

The Cedar House, Buckham Thorns Road, Westerham TN16 1ET.

- 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 R Pearl against the decision of Sevenoaks District Council.
 - The application Ref SE/16/01291/HOUSE, dated 18 April 2016, was refused by notice dated 13 July 2016.
 - The development proposed is the conversion of loft. Addition of 2no. dormer windows to rear of property. Alterations to conservatory including the addition of 2no. rooflights. Partial demolition of garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether or not the proposal is inappropriate development in the Green Belt
 - The effect on the openness of the Green Belt and the character and appearance of the area
 - If the proposal 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

Whether inappropriate development

3. The Cedar House is a large detached residence occupying a spacious and sloping plot. Due to its generous set back and mature landscaping to site boundaries, the dwelling is inconspicuous from public vantage points.
 4. The appeal property is situated within the Green Belt and therefore paragraph 89 of the "*National Planning Policy Framework*" (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 an existing dwelling. This is provided that it does not result in disproportionate additions over and above the size of the original building.
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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 that extensions to dwellings will be permitted where they meet a number of criteria. Criterion b) 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. The policy advises that when calculating proposals and increased floor space, conversion of loft space that includes the addition of dormer windows and alterations that create volume will be considered as part of the increase.
6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. Although Policy GB1 appears to slightly broaden the definition of when extensions constitute '*disproportionate additions*' beyond that given in the Framework which simply refers to '*size*', the ADMP has been recently adopted and therefore I give full weight to its policies.
7. The appeal scheme involves raising the ridgeline of the roof by approximately 0.6m. A hipped dormer would be inserted into the rear roofslope of the main house measuring 9m in length, rising to a height of 2.1m and extending from the roof plane by 1.3m. A pitched-roof dormer would also be formed in the rear elevation of the garage, a 14.2m² section of which would be demolished as part of the scheme. There is no dispute that the appeal property has been previously extended. According to the Council, these extensions amount to a 61.85% increase to the original dwelling. The 57m² of floorspace proposed as part of the appeal scheme would result in an overall increase of 87% to the original dwelling. Therefore based purely on the Council's statistical analysis, the proposal would conflict with the 50% threshold set out in Policy GB1.
8. Although, the proposed extensions on their own would be modest, when taken together with the previous extensions, they would significantly increase the size of the original dwellinghouse. As a result, the scheme would comprise a disproportionate increase in the floor area of the original building contrary to paragraph 89 of the Framework and Policy GB1 of the ADMP. It would therefore be inappropriate development which is, by definition, harmful to the Green Belt. This harm carries substantial weight.

Openness

9. In this case, the eaves level would not change and there would be a modest reduction in the dwelling's footprint. The ridge of the roof would be raised but only by a small amount and although its overall mass would increase it would be marginal. Although the dormers would add some bulk to the property they would not add much. Consequently, I find that the effect on the openness of the Green Belt would be neutral.

Other Considerations

10. Paragraph 88 of the Framework requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. Other

considerations in favour of the development must clearly outweigh the harm if very special circumstances are to exist.

11. The removal of part of the garage would result in an overall reduction in the footprint of the property. Whilst this is a benefit, it is pertinent that the garage itself appears to be an addition to the original dwellinghouse. Therefore, even taking this reduction into account, there would still be a substantial net increase in the size of the original dwelling in terms of floorspace, volume and footprint.
12. The appellants have referred me to appeal decision at a property known as Ralwin also situated on Buckham Thorns Road¹. However, from the limited details before me it is apparent that that scheme related to the erection of a dwelling rather than an extension and therefore involved different policy considerations. On this basis alone I am not persuaded it is a comparable case and I have therefore assessed the scheme before me purely on its merits and in light of the particular circumstances that apply in this case.
13. The site is also within the Kent Downs Area of Outstanding Natural Beauty (AONB). Within such areas the Framework states that great weight should be given to conserving landscape and scenic beauty of AONB's which have the highest status of protection in relation to landscape and scenic beauty. The two rear dormer windows would be set within the rear roof slope, with portions of the roof showing both above and below the dormer windows. Taking account of the site's secluded location, there would be no conflict with Policies EN1 and EN5 of the ADMP which amongst other things, seek to protect and enhance the scenic beauty and landscape of the AONB. I appreciate that in coming to that view, my findings differ to those of my colleague who dealt with the previous appeal². However, copies of the plans pertaining to that scheme have not been submitted and based on the Inspector's reasoning it appears the scheme was larger than the one before me.
14. I sympathise with the appellants' desire to provide additional living space for their family. However, private benefits such as this would not amount to a significant public planning benefit and as such I give them little weight.

Conclusions

15. Although, the proposed extensions would have a neutral effect on the openness of the Green Belt and the character and appearance of the area, for the reasons given, they would be inappropriate development which is, by definition, harmful to the Green Belt. I have found no other considerations which would clearly outweigh this harm.
16. Consequently, very special circumstances do not exist. For the reasons given above, I therefore conclude that the appeal should be dismissed.

D. M. Young

Inspector

¹ PINS Ref: APP/G2245/W/16/3142246

² PINS Ref: APP/G2245/D/12/2184226