The Planning Inspectorate

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: 21 December 2016

Appeal Ref: APP/G2245/D/16/3158947
Burnwithian, Stick Hill, Edenbridge TN8 5NJ.

- 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 Robert Brown against the decision of Sevenoaks District Council.
- The application Ref SE/16/00962/HOUSE, dated 29 March 2016, was refused by notice dated 28 June 2016.
- The development proposed is to replace existing dormer window with improved and upgraded dormer structure.

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 for the purposes of the *National Planning Policy Framework* (the Framework);
   - The effect on the openness of the Green Belt;
   - The effect of the proposal on the character and appearance of the area including the High Weald Area of Outstanding Natural Beauty (AONB), and;
   - 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

3. The appeal property is a large, split-level, detached residence standing on a spacious wooded plot in an area to the south of Edenbridge known as Stick Hill. Given its set-back, orientation and level of intervening tree cover, the dwelling is only seen in glimpsed views from the B2026 Hartfield Road.

4. The proposal seeks to increase the size of the already large box-style dormer window on the north facing roofslope to facilitate the creation of an additional bedroom.

5. The site is within the Green Belt and therefore paragraph 89 of the Framework is relevant. This states that new buildings 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.

6. 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. Of particular relevance in this instance is criterion b) which states that the design of extensions 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 will not result in an increase of more than 50% above the floor space of the original dwelling.

7. The appeal property has already been extended twice. The Council's Officer Report sets out a clear analysis of the existing and proposed floor areas of the dwelling. The original building occupied 180.96m^2 and the existing extensions amounted to 84.75m^2. The appeal scheme would add a further 16.23m^2. Considered cumulatively, the overall floor area would be increased by 60% which materially exceeds the 50% threshold set out in Policy GB1.

8. However, these figures are disputed by the appellant who calculates the increase to be just within the 50% limit. According to the appellant, the difference between the two sets of figures is due to the inclusion, or not, of the external decking on level 1. The appellant suggests that the decking is likely to be part of the original dwelling and therefore the Council erred by including it in their calculations. There is no dispute that the decking has been in situ for some period of time. However as to whether it is part of the original dwelling, as it was first built or as it was on 1 July 1948, the evidence is inconclusive. In the absence of any agreement between the parties regarding the decking, I have taken a precautionary approach and conclude that it has not been satisfactorily demonstrated that it was part of the original building. Accordingly, I find that the Council were entitled to take it into account when calculating the increase in floorspace.

9. Irrespective of the above, the appellant has suggested that the removal of the decking and the front porch would see compliance with Policy GB1. Despite that, the suggested condition in paragraph 6.48 of the appellant's Grounds of Appeal only makes reference to the removal of the decking. Consequently and with cognisance to the Appellant's own figures in Appendix 3, there would still be a small breach of the 50% limit. The Council have also rightly pointed out that to secure the removal of the decking by condition would alter the substance of the proposal that was determined. Therefore having regard to the principles set out in the Wheatcroft judgement[1] and advice in the Planning Practice Guidance[2] I consider it would not be appropriate for me to deal with this issue by way of a planning condition.

10. Based on the foregoing, I conclude that the proposed extension on its own would be modest, however, when taken together with previous extensions, it would significantly increase the size of the original dwellinghouse. As a result,

[1] *Bernard Wheatcroft Ltd v SSE* (JPL 1982).
[2] Planning Practice Guidance ID 21a-012-20140306.

the scheme would represent 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

11. In this case, there would not be an increase in the building's footprint. The dormer would be enlarged and additional floorspace would be provided in the process but the overall increase in the bulk and mass the building as well as the development's visual impact would not be significant outside the boundaries of the site. The development would therefore have a broadly neutral impact on the openness of the Green Belt.

The effect on the character and appearance of the area

12. The site is within the 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.

13. The scheme would increase the size of an already bulky and disproportionate box-like dormer. It would introduce additional height and appreciably greater width. Very little of the original roof would be visible either above, below or to the sides of the dormer and this would result in an awkward, top-heavy and urbanised built form. I accept that public views of the development would be limited particularly in the summer months. Nonetheless, the argument that the dwelling would be out of public view is not a good one in principle; it could be repeated too often to the overall detriment of the character and appearance of the area.

14. I therefore conclude that the development would conflict with Policy EN1 of the ADMP and the "*Residential Extensions Supplementary Planning Document*". These seek to ensure developments, including extensions, are of a high standard of design that would not have an adverse effect on the original property or the character and appearance of the surrounding area. There would also be conflict with the Framework in terms of AONB's.

Other Considerations

15. I appreciate that the proposal would be built to high environmental standards and would offer some benefits in terms of energy efficiency. However, the weigh I attach to this benefit is diminished as it seems there would be other ways to address this issue rather than extending the property. There would also be benefits to the appellant and his family in terms of additional living space. However, private benefits such as this would not amount to a significant public planning benefit and as such I give them little weight.

Conclusions

16. Although the proposed extension would only have a limited effect on the openness of the Green Belt, for the reasons given, it would be inappropriate development which is, by definition, harmful to the Green Belt. There would also be harm to the character and appearance of the area and AONB.

Collectively these harms carry significant weight and I have found no other considerations which would outweigh them.

17. 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