
Appeal Decision

Site visit made on 12 December 2016

by Nicola Davies BA DipTP MRTPI

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

Decision date: 4 January 2017

Appeal Ref: APP/H2265/D/16/3159810

The Birches, Sandy Lane, Addington, West Malling ME19 5BX

- 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 Lee Scriven against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/16/01204/FL, dated 11 April 2016, was refused by notice dated 11 July 2016.
 - The development proposed is described as "single storey rear extension housing swimming pool, gym and garage. Addition of 2 new dormers to elevation at first floor level".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed development on the Council's decision notice includes, in addition to the creation of a single storey rear extension and two new dormer windows, the conversion of the garage to living space. This is reflected on the submitted plans. I have therefore considered the appeal on this basis.
3. A rear extension was under construction at the time of my site visit.

Main Issues

4. The main issues are:
 - Whether the proposal is inappropriate development in the Metropolitan Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - The effect of the proposal on the character and appearance of the host dwelling and the area; and,
 - If the development 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.
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Reasons

Inappropriate development

5. The Framework establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves the extension of a building. This is provided that it does not result in disproportionate additions over and above the size of the original building. Policy CP3 of the Tonbridge and Malling Borough Core Strategy (TMBCS) deals with the Metropolitan Green Belt but provides no detailed guidance about the approach that the Council will take in considering such proposals other than stating that the National Green Belt policy will be applied.
6. The Council has indicated that the original bungalow as approved under planning reference MK/4/46/205 has a floor area of approximately 110 m². Later extensions to the side and the rear have added around a further 120 m² and the proposed rear extension would add an additional 170 m² approximately to the floor area, cumulatively equating to about 290 m². These figures are not contested by the appellant. Based purely on this statistical measurements the proposed rear extension, when combined with other additions, would lead to a significant increase in the size of the dwelling.
7. Assessing proportionality is primarily an objective test based on size. Comparing the original bungalow to the one that would result the outcome would be disproportionate. It would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

Character and appearance of the host dwelling and the area

8. The appeal site lies north of the settlement confines of Wrotham Heath and is in the countryside. Policy CP14 of the TMBCS is concerned with extensions to existing dwellings in the countryside and restricts these to appropriate extensions only. Policy CP24 of the TMBCS resists development to that which is well-designed and that respects the character and appearance of the site and its surroundings.
9. The appeal site is surrounded by dense tree vegetation to its north, east and west sides, therefore the proposed rear extension would not be visible from outside the site and would not effect the relative open character of the wider countryside. Furthermore, the location of the extension would not be prominent from the road due to existing screening. The visual harm of the proposed development would be limited to that of the appeal site.
10. The appellant considers the rear extension to be a subordinate extension. It is also considered that the extension's lower roof profile would not dominate or compete with that of the main dwelling. Furthermore, it is suggested that the design would match that of the host property, including the use of matching materials and retention of key architectural features. Moreover, the extension would be no deeper than that of the present house.
11. Whilst the extension would not extend to the side boundaries and a substantial amount of residential garden area would remain, it would be a large projecting feature and an extensive addition that would significantly change the appearance of the host property at the rear. Furthermore, the increased footprint of the extension and its expanse of flat roof would be out of keeping with the pitched roof form of the existing dwelling. As a result the size and

design of the rear extension would have a harmful visual effect upon the appearance of the existing dwelling.

12. For these reasons, I conclude that the proposed development would be harmful to the appearance of the existing dwelling. The proposed development would be contrary to Policies CP1, CP14 and CP24 of the TMBCS and Policy SQ1 of the Tonbridge and Malling Borough Management Development and the Environment Development Plan Document (TMBMD&EDPD) which requires that development is of high quality, appropriate and well-designed to respect the character and appearance of the site and its surroundings, amongst other matters. The proposed development would also be contrary to paragraphs 17, 56, 60 and 64 of the National Planning Policy Framework (the Framework) that seek to promote or reinforce local distinctiveness and attach great importance to improving the character and quality of an area.

Other Considerations

13. I acknowledge the proposed development would not harm the living conditions of adjoining occupiers and that the property is not Listed or in a designated conservation area. I also note that the proposed extension is for the sole use of the occupants and would facilitate ancillary leisure accommodation. However, these benefits are relatively limited and carry minimal weight in favour of the proposed development.
14. The appellant highlights that a variety of different houses have been extended in the area but no details are before me to consider the similarities, if any, to this proposed development. I also note the appellant's reference to an appeal decision at 78 Birkbeck Avenue, Greenford, Middlesex, UB6 8LX (appeal reference APP/A5270/A/13/2198350). In that case the extension related to an outbuilding and, although single storey and of flat roof design, would be set away from the main dwelling. Whilst that development would be located within an enclosed rear garden, the circumstances clearly differ to that of this proposal which is located within the Metropolitan Green Belt and the countryside, therefore I can only afford this appeal decision very limited weight. In any event, the appeal before me relates to a different site and, therefore, can and should be considered in its own right.

Conclusions

15. The proposed development would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. The proposal would have a harmful effect upon appearance of the host dwelling. This carries significant weight. In contrast, the other considerations carry minimal or limited weight and are not sufficient to clearly outweigh the harm to the Green Belt. Consequently very special circumstances do not exist as the harm, by reason of inappropriateness, and the other harm that has been identified above, is not clearly outweighed. The proposed development would conflict with Policy CP1, CP3, CP14, CP24 of the TMBCS and Policy SQ1 of the TMBMD&EDPD, and the advice in the Framework.
16. For the reasons given above I dismiss this appeal.

Nicola Davies

INSPECTOR