

Appeal Decision

Site visit made on 13 December 2016

by J R Bell-Williamson MA MRTPI

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

Decision date: 5th January 2017

Appeal Ref: APP/G2245/D/16/3157587

Eventide, Fawkham Green Road, Fawkham DA3 8NN

- 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 Mrs J Parsons against the decision of Sevenoaks District Council.
 - The application Ref SE/16/01878/HOUSE, dated 21 June 2016, was refused by notice dated 16 August 2016.
 - The development proposed is erection of a single storey side and rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a single storey side and rear extension at Eventide, Fawkham Green Road, Fawkham DA3 8NN. The permission is granted in accordance with the terms of the application, Ref SE/16/01878/HOUSE, dated 21 June 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: site plan and 2015/211/101E (proposed plans and elevations).
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

Main issues

2. As the appeal property is within the Metropolitan Green Belt the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - the effect on the openness of the Green Belt; and
 - if the proposal would be inappropriate development, whether the harm to the Green Belt 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 it.
-

Reasons

3. The appeal property is a detached bungalow with a separate garage located in a row of similar property types. It is set back from Fawkham Green Road on ground that rises away from the road; the setting is semi-rural with woodland on the opposite side of the road.

Whether the proposal is inappropriate development

4. The National Planning Policy Framework (the Framework) makes clear at paragraph 89 that the construction of new buildings in the Green Belt should be regarded as inappropriate, with a small number of exceptions. One of these is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
5. The Council refers to Policy GB1 of the Sevenoaks Allocations and Development Management Plan (the ADMP), which concerns the extension to dwellings in the Green Belt. This policy sets out a number of criteria against which extensions will be assessed, including the design and the effect on the openness of the Green Belt, and whether the proposal together with any previous additions would not result in an increase of more than 50% above the floorspace of the original dwelling.
6. The proposal involves changes to the existing building in the form of infilling the inset to the rear, plus a side extension including removal of the existing detached garage. I note, however, that the current building is a replacement of a smaller one previously on the site, the replacement being permitted in 1983 (reference 83/01495/HIST). The supporting text to Policy GB1 indicates that 'original dwelling' means the size of the dwelling on 1 July 1948, even if that original dwelling has since been replaced as in this case. The Framework, however, defines 'original building' as a building as it existed on 1 July 1948 or, if constructed after that date, as in this case, as it was built originally. In accordance with paragraph 215 of the Framework, I have given greater weight to the definition in the Framework and, therefore, have considered the proposal with regard to the original form of the replacement dwelling given that this is the building currently occupying the site.
7. The Council indicates that the replacement dwelling in its original form had a floor area of 142m² and that a previous small extension together with the current proposals would amount to just over 75m² additional floorspace. However, taking account of the net effect of removal of the existing garage, this reduces to just over 43m² additional floorspace compared to the replacement dwelling as first built. This would be below the 50% increase referred to in Policy GB1.
8. Assessing proportionality is primarily an objective test based on size and, therefore, floorspace is not the only possible measure of the degree of change. It is instructive to compare any changes to the original physical size and scale of a building, including the degree of bulk or mass that might be added. In this case, the main change would be the side extension, although this would have a lower roof height than the existing single storey building. While it would add some width to the existing dwelling, given its limited existing size this would not result in a substantive change or a material addition to the bulk and mass of the building. To the rear, the proposal would infill the existing inset area and would not result in any greater rearward projection of the building. As

such, the rear extension would not result in a significant change to the size of the building.

9. Taking account of these matters as a whole, for the reasons given, I find that both in terms of additional floorspace and physical change, the proposal would not result in disproportionate additions over and above the size of the original building. Therefore, I conclude in accordance with the provisions of the Framework that the proposal would not be inappropriate development in the Green Belt.

Effect on openness

10. The effect on openness is implicitly taken into account in the exceptions included in paragraph 89 of the Framework unless there is a specific requirement to consider the actual effect on openness. Therefore, for those exceptions within paragraph 89, including the third bullet as in this case, where the effect of the development on openness is not expressly stated as a determinative factor in gauging inappropriateness, and where the development has been found to be not inappropriate development as is the case here, there is no specific requirement to assess the impact of the development on the openness of the Green Belt. Nonetheless, for the avoidance of doubt, I have found above that the proposed extensions would not add substantive bulk or mass across the relatively small single storey dwelling. As such, there would be no material harm to the Green Belt's openness as a result of additional residential development of the type proposed.

Overall Conclusion

11. I have found above that the proposal would not be inappropriate development in the Green Belt in accordance with paragraph 89 of the Framework. Moreover, there would be no harmful effects on the openness of the Green Belt. Consequently, there is no conflict with the Framework or with Policy GB1 of the ADMP and so the appeal should succeed.

Conditions

12. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development in accordance with the submitted details, one requiring development to be carried out in accordance with the approved plans. I agree also that a condition requiring the external materials used to match those of the existing building is needed in the interests of the appearance of the host dwelling and wider area.
13. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be allowed.

J Bell-Williamson

INSPECTOR