

Appeal Decision

Site visit made on 9 February 2017

by R J Maile BSc FRICS

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

Decision date: 21st February 2017

Appeal Ref: APP/H2265/D/16/3164861

9 Tebbs Way, Ightham, Sevenoaks, Kent, TN15 9BJ.

- 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 Hugh Giltrow against the decision of Tonbridge and Malling Borough Council.
 - The application ref: TM/16/02256/FL, dated 22 July 2016, was refused by notice dated 16 September 2016.
 - The development proposed is "Amendment to planning consent ref: TM/15/03669/FL to include enlarged single storey side extension, including habitable room in the roof space, ground floor single storey rear extension and first floor terrace infill extension."
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Decision

1. The appeal is allowed and planning permission is granted for amendment to planning consent ref: TM/15/03669/FL to include enlarged single storey side extension, including habitable room in the roof space, ground floor single storey rear extension and first floor terrace infill extension at 9 Tebbs Way, Ightham, Sevenoaks, Kent, TN15 9BJ, in accordance with the terms of the application ref: TM/16/02256/FL, dated 22 July 2016, subject to the conditions set out in Annex A to this decision.

Main Issues

2. The main issues in this case are:
 - a) Whether the proposal would be inappropriate development within the Green Belt for the purposes of national policy and the policies of the Development Plan.
 - b) The effect of the development upon the openness of the Green Belt and the purposes of including land in it.
 - c) The impact of the development upon the character and appearance of the surrounding area.
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Reasons

a) Whether inappropriate development.

3. This property comprises a modern detached house forming part of a residential enclave of substantial two storey dwellings in generous plots. They are located within the Metropolitan Green Belt.
4. National policy in the National Planning Policy Framework ('the Framework') contains a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances (paragraph 87). However, paragraph 89 sets out a number of exceptions, including 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. An 'original building' is defined within the glossary to the Framework as a building as it existed on 1 July 1948.
5. Policy CP3 of the adopted Core Strategy¹ confirms that national Green Belt policy will be applied generally to the west of the A228. It does not specify what constitutes a disproportionate addition, such that each case will be judged upon its individual merits.
6. The dwelling as originally constructed had a floor area of 294m² and a volume of 915m³. Previous planning permissions have added a total of 254m² and a volume of 810m³, representing an increase in the floor area of approximately 86.3 per cent.
7. Material to my decision is the extant planning permission for a similar scheme, albeit with a marginally smaller side extension, for which planning permission was granted on 4 January 2016 under ref: TM/15/03669/FL. That permission is subject to a condition removing certain permitted Development rights, but would involve the removal of the existing conservatory and side extension, as envisaged in the subject case. Copies of that planning permission and of the approved plans have been provided to me.
8. A Lawful Development Certificate ('LDC') has been obtained for the erection of a ground floor extension to the rear of no. 9 to a depth of 8m (ref: TM/16/03213/PDVLR dated 8 December 2016). Again, I have been provided with a copy of the LDC and the accompanying plans.
9. Planning permission ref: TM/15/03669/FL has not been commenced, such that the appellant could exercise his Permitted Development rights. This represents a fall-back position that would result in a greater floor area and volume than would be the case were the appeal scheme to be implemented. The extension permitted by virtue of the LDC would represent an increase in floor area of 68m² and in volume of 204m³. By contrast, the appeal proposals would involve an increase in floor area of 20m² and in volume of 53m³ as compared to the existing house. This is an important consideration in my conclusions upon the first main issue.
10. It is also relevant that the scheme before me would for the most part occupy the footprint of an unattractive structure, which would be demolished. More-

¹ The Tonbridge and Malling Borough Council Local Development Framework: Core Strategy (September 2007).

over, the single storey rear extension would be sited adjacent to the rear main elevation of the house and replace the conservatory, which projects rearwards at rightangles to and thereby into the open rear garden by some 8m.

11. These factors, in combination, have enabled me to conclude that development as proposed would not represent a disproportionate addition over and above the size of the original building. I have therefore found on the first main issue that the proposal would not be inappropriate development for the purposes of national policy and the policies of the Development Plan.

b) Effect upon openness of Green Belt.

12. The modest single storey rear extension would replace the tall conservatory which projects into the generally open rear private garden. The side extension would sit upon the footprint of an earlier structure sited to the north of the main dwelling and connecting with the double garage, which is located forward of the principal building line of the house. It would be set back to accord with the front elevation of the house and be set away from the boundary with the dwelling to the north.
13. The side extension now proposed would project only 1.59m beyond the line of that permitted by planning permission ref: TM/15/03669/FL, whilst the ridge height would be only some 1.3m taller.
14. I have therefore found upon the second main issue that removal of the existing conservatory and structure to the north of the dwelling, taken with the modest increase in floor area and volume over and above that already permitted by virtue of the earlier planning permission will ensure that the proposal would have no material effect upon the openness of the Green Belt or the purposes of including land in it. As such, development as proposed would accord with national policy at paragraph 80 of the Framework and Policy CP3 of the Core Strategy.

c) Impact upon character and appearance.

15. The design of the extensions is to a high standard and is in keeping with the existing dwelling. Indeed, the removal of the unattractive structure between the house and the garage, together with the conservatory to the rear, would bring about an enhancement to the overall character and appearance both of the host building and that of the surrounding area.
16. In particular, the reduction in built development to the rear of the house, the design of the side extension and its siting away from the garage and north boundary will create a more attractive and well-designed dwelling in keeping with the other properties in Tebbs Way.
17. For these reasons, I have found upon the third main issue that development as proposed would accord with national policy at Chapter 7 (Requiring good design) of the Framework and Policy CP24 of the adopted Core Strategy.

Conditions

18. The Council has suggested that a total of four conditions be imposed should I be minded to allow the appeal. I have considered these against the tests of

the Framework and advice provided by the Government's Planning Practice Guidance issued on 6 March 2014 and find all to be reasonable and necessary in the circumstances of this case.

19. My reasons for the conditions are:

20. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Condition 2 will ensure a satisfactory appearance to the completed development in the interests of the visual amenities of the area, while Condition 3 is necessary in order that any future enlargement of the dwelling does not have a harmful impact upon the openness of the Green Belt.

21. Condition 4, which requires the development to be carried out in accordance with the approved plans, provides certainty.

Conclusion

22. For the reasons given above, I conclude that the appeal should be allowed.

R. J. Maile

INSPECTOR

Schedule of Conditions

Annex A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) no development within Classes A and B of Part 1, Schedule 2 to that Order shall be carried out without the prior written approval of the Local Planning Authority.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. 852/01 Rev F: Location Plan – scale 1:1250; Existing and Proposed Site Plans – scale 1:200.

Drawing no. 852/02: Existing Ground Floor Plan – scale 1:100.

Drawing no. 852/03: Existing First Floor Plan and Roof Plan – scale 1:100.

Drawing no. 852/04: Existing Elevations – scale 1:100.

Drawing no. 852/05 Rev F: Proposed Ground Floor Plan – scale 1:50.

Drawing no. 852/06 Rev F: Proposed First Floor Plan – scale 1:50.

Drawing no. 852/07 Rev F: Proposed Roof Plan – scale 1:100.

Drawing no. 852/08 Rev F: Proposed Front and Rear Elevations – scale 1:100.

Drawing no. 852/09 Rev F: Proposed Side Elevations and Proposed Sections – scales 1:100.