

Appeal Decision

Site visit made on 29 March 2017

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 5 April 2017

Appeal Ref: APP/G2245/D/17/3168660

Rookery View, Penshurst Road, Leigh, Tonbridge, Kent, TN11 8HL.

- 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 Derek Richardson against the decision of Sevenoaks District Council.
 - The application Ref SE/16/02739/HOUSE dated 5 September 2016, was refused by notice dated 16 November 2016.
 - The development proposed is to demolish existing single storey side and rear extension and conservatory. Build a two storey side and single storey rear extension.
-

Decision

1. The appeal is dismissed.

Main issues

2. The main issues include:
 - a) Whether the proposal amounts to inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and development plan policy.
 - b) The effect of the proposal on the openness of the Green Belt.
 - c) If the proposal does amount to inappropriate development, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, including any public benefits, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal amounts to inappropriate development in the Green Belt for the purposes of the NPPF and development plan policy.

3. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF identifies various forms of development which may not be inappropriate in the Green Belt, including:
-

- the extension of an existing building provided that it does not result in disproportionate additions over and above the size of the original dwelling.
4. Policy GB1 of the Sevenoaks Allocations and Development Management Plan (DMP) similarly allows for the extension of dwellings within the Green Belt. Any extensions should conform to the original form and appearance of the host dwelling and be proportional and subservient to the dwelling. At the same time the proposed extension, together with all previous additions to the dwelling should not increase the floor-space of the original dwelling by more than 50%. The Sevenoaks District Council Development in the Green Belt – Supplementary Planning Document (SPD) is consistent with this.
 5. Paragraphs 7.14 & 7.15 of the DMP advise that in the past the 50% limit for extensions has been successful in principle. However, it acknowledges that floor-space alone does not always fully reflect the impact of extensions on the size of the original building. Notwithstanding this the 50% floor-space criterion is repeated in policy GB1 to ensure consistency. Conversely the NPPF does not include any maximum floor-space sizes or percentages.
 6. The above discrepancy between the DMP and the NPPF is taken into account in assessing whether or not the proposed development amounts to inappropriate development in the Green Belt.
 7. The Council has stated that the original dwelling had a gross floor area of 107.3 m² and that the existing extensions extend to some 62.7m², which equates to a 57.9% increase in the floor area of the original dwelling. The Appellant has commented that the 1955 Building Regulations plan relied on by the Council shows the garage as existing and as such the above figures are incorrect. Having viewed both the plan and the building regulations submission form submitted in 1955 it is clear that the proposal was for the erection of a garage, which would be sited 8ft, 6ins from the main dwelling. There is no suggestion on the form or the drawing that the garage proposed in 1955 was to replace an existing garage or structure.
 8. In the absence of any factual information to the contrary, this decision is therefore based upon the submitted evidence, which indicates that the original dwelling did not benefit from a garage located to the side of it. Further additions and alterations to the original dwelling were subsequently carried out and I have no reason to disagree with the Council that the current proposal would result in more than a 50% increase in the gross floor area of the original dwelling.
 9. However, as indicated above, this is not the end of the matter. It is also necessary to consider whether the proposed extension is subordinate and proportionate in size and conforms to the original form and appearance of the host dwelling.
 10. The resultant extension to the original dwelling has been designed to respect and be visually subservient to the original dwelling. The extension would be lower and its first floor front and rear building lines would be set behind those of the original dwelling. However, in terms of size the resultant additions would materially add to the width and mass of the original dwelling, resulting in a disproportionate addition over and above the size of the original dwelling.

11. For these reasons I conclude on this main issue that the proposal would amount to inappropriate development in the Green Belt, contrary to policy GB1 of the DMP, the NPPF and the SPD. Substantial weight has to be given to the harm resulting from the inappropriateness of the proposed development.

The effect of the proposal on the openness of the Green Belt.

12. As stated in the NPPF the fundamental aim of Green Belt policy is to prevent urban sprawl and to keep land permanently open. One of the objectives of the Sevenoaks District Council Core Strategy (Core Strategy) is to safeguard and maintain the openness of the Green Belt.
13. With the proposal the resultant additions would materially increase the width and bulk of the original dwelling and would have an enclosing impact on the original open gap between the host dwelling and the adjacent dwelling to the east. As a consequence it would detract from the openness of this part of the Green Belt.
14. To some extent this harm would be mitigated by the demolition of the existing rear conservatory and the commensurate reduction in the footprint of the resultant dwelling. However, this conservatory is modest in form and appearance and does not encroach beyond the rear of the existing side extension. Overall, the resultant two storey extension would have a greater impact on the openness of the Green Belt than the existing extensions.
15. I conclude on this issue that the proposal would reduce and detract from the openness of this part of the Green Belt, contrary to fundamental aim of Green Belt policy, an objective of the Core Strategy and the NPPF. As required by the NPPF, the harm that the resultant extension to the original dwelling would cause due to its impact on the openness of the Green Belt needs to be given substantial weight.

Other considerations

16. Whilst modest in form and appearance the existing side and rear extensions to the Appeal dwelling are utilitarian in appearance and detract from the character and appearance of the original dwelling and its setting within a rural area within an Area of Outstanding Natural Beauty (AONB). Conversely, the resultant extension has been sensitively designed to both respect and appear subservient to the host dwelling and would improve its overall condition and appearance. The resultant dwelling would also blend in appropriately with this row of dwellings, where there are a number of similarly designed extensions and would not impact on the extent of the Green Belt.
17. Accordingly, notwithstanding the very slight reduction in the openness of this part of the Green Belt, the proposal would comply with policies SP1 and LO8 of the Core Strategy. Together and amongst other things they seek to ensure that new development is designed to a high quality and responds to the distinctive character of the area. New development should conserve or enhance the Area of Outstanding Natural Beauty and the extent of the Green Belt should be maintained. I give a considerable amount of weight to this factor.

18. The Appellant has referred to a number of dwellings with similar side extensions along this stretch of Penshurst Road. However, the background to these extensions is not stated. For example, it is not stated when they were approved, what policies they were assessed against, or whether their existing permitted development rights were given up.
19. With the Appeal scheme the resultant extensions would detract from the openness of the Green Belt and the Appeal property would retain its permitted development rights relating to rear extensions and new outbuildings. Accordingly, I give little weight to this factor.
20. Finally, a moderate amount of weight is given to the benefits for the Appellant and his family that would result from the extended and enhanced living conditions that would result from the proposed scheme.
21. I conclude on this main issue that, on balance, the other considerations put forward in favour of the proposal both individually and together fail to clearly outweigh the general presumption against inappropriate development in the Green Belt; the substantial weight to be attached to the harm caused by the inappropriateness of the development; the harm to the openness of the Green Belt; and the conflict with policy GB1 of the DMP, the SPD and the NPPF. Therefore the very special circumstances necessary to justify the proposal do not exist.

Conclusion

22. The conclusions on the main issues amount to compelling reasons for dismissing this Appeal which could not be satisfactorily addressed through the imposition of conditions.

Elizabeth Lawrence

INSPECTOR