
Appeal Decision

Site visit made on 31 May 2017

by J L Cheesley BA(Hons) DIPTP MRTPI

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

Decision date: 7 June 2017

Appeal Ref: APP/G2245/D/17/3170846

3 Shabhall Cottage, Morants Court Road, Dunton Green, Sevenoaks, Kent TN13 2TR

- 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 Ms E Pottsova against the decision of Sevenoaks District Council.
 - The application Ref SE/16/03221/HOUSE was refused by notice dated 16 December 2016.
 - The development proposed is a double garage.
-

Decision

1. The appeal is dismissed.

Green Belt

2. The appeal site is situated in the Green Belt. Whilst not a reason for refusal, I am required to consider whether the proposal amounts to inappropriate development in the Green Belt, and if so, 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.
 3. The National Planning Policy Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The construction of new buildings in the Green Belt is inappropriate unless in accordance with exceptions in the Framework.
 4. Policy GB3 in the Sevenoaks District Council's Allocations and Development Management Plan (2015) and accompanying guidance in the Council's Development in the Green Belt Supplementary Planning Document (SPD) (2015) allow outbuildings in the Green Belt that are ancillary and would not materially harm openness. Individual outbuildings are limited to a maximum floorspace of 40sqm and an assessment also needs to be made regarding the scale and function of the building.
 5. I concur with the Council that the garage would be ancillary to the dwelling. It would be a single-storey structure with a floor space of some 27m². The function and scale of the proposal would be in accordance with Policy GB3 and guidance in SPD and as such would not materially harm the openness of the
-

Green Belt. I am satisfied that significant or material harm to the openness of the Green Belt would not be caused by the proposal.

Area of Outstanding Natural Beauty

6. The appeal site lies within the Kent Downs Area of Outstanding Natural Beauty (AONB). The Framework advises that great weight should be given to conserving the landscape and scenic beauty in an AONB, which has the highest status of protection in relation to landscape and scenic beauty.
7. I have attributed great weight to conserving the landscape and scenic beauty in the AONB. The proposed garage would be situated within the curtilage of the residential property in a row of residential properties. The build form of this group is distinctly different to the wider open landscape. Due to its scale, design and siting within the residential curtilage, I do not consider that the proposal would have a materially adverse effect on the landscape and scenic beauty of the AONB.

Main issues

8. I consider the remaining main issues to be:

the effect of the proposal on the character and appearance of the surrounding area; and

the effect of the proposal on the future health of adjacent mature Ash trees.

Reasons

Character and Appearance

9. The appeal property lies within a row of three dwellings in a rural setting. The proposed garage would be situated at the front of the property behind an existing close boarded fence.
10. The Sevenoaks District Council Residential Extensions Supplementary Planning Document (SPD) (2009) states that garages or outbuildings set in front of the building line will not normally be allowed. I note that there are other outbuildings close to the road in the vicinity, including at 1 Shabhall Cottages. However, this group of cottages has a front building line that curves back from the road, leaving the front garden area at the appeal property distinctly greater in depth than that at 1 Shabhall Cottages. In this context, the siting of the proposed garage would be distinctly separate from the established building line. Due to this forward siting, I consider that the proposed garage would appear as an unacceptably prominent building within the streetscene. This would be to the detriment of the character and appearance of the surrounding area.

Trees

11. The Council raised concern regarding the future health of the existing Ash trees adjacent to the appeal site in that the proposed development would be located within the Root Protection Area of the neighbouring trees and therefore there is potential for the proposed development to damage the trees. The Council has indicated that the owner of the appeal property has the right under Common Law to sever all roots back to the boundary. I note that the roots have

subsequently been cut back. On this basis, the threat to the future health of the trees from root loss is no longer relevant to this appeal.

Conclusion

12. In reaching my conclusion, I have had regard to all matters raised. I have found that the proposal would not have an adverse impact on the openness of the Green Belt or on the landscape and scenic beauty of the AONB. The threat to the future health of the trees from root loss is no longer relevant to this appeal. I have found that the proposal would be to the detriment of the character and appearance of the surrounding area. I consider this harm to be so significant that I dismiss the appeal on this basis alone.
13. For the reasons stated above, the proposal would be contrary to Residential Extensions SPD guidance; Policy SP1 in the Sevenoaks District Council Core Strategy (2011); and Policy EN1 in the Sevenoaks District Council Allocations and Development Management Plan (2015), where they seek to ensure high quality development that respects and responds to local character.
14. As the Core Strategy precedes the Framework, it is necessary for me to determine whether Core Strategy Policy SP1 is in accordance with the Framework. I consider that this policy is broadly in accordance with the Framework as far as it meets the Framework's core principles; particularly that planning should be seeking to secure high quality design and should be taking account of the different roles and character of an area.

J L Cheesley

INSPECTOR