



Appeal Decision

Site visit made on 14 June 2017

by Mr Kim Bennett BSc DipTP MRTPI

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

Decision date: 21 June 2017

Appeal Ref: APP/K2230/D/17/3171881

Copperfield, Valley Lane, Culverstone, Gravesend DA13 0DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Ms Bina Patel against the decision of Gravesham Borough Council.
 - The application Ref 20161028, dated 21 October 2016, was refused by notice dated 16 January 2017.
 - The application sought planning permission for the erection of single storey side and rear extensions, insertion of dormer windows into front and rear roof slopes and creation of front barn hipped gable to existing roof with associated internal and external works without complying with a condition attached to planning permission Ref 20160611, dated 16 September 2016.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: Householder application form; 5033 D-04-block plan; 5033 D-03-Site location plan; and 5033 D-02C-Existing and Proposed (Plans and elevations) REVISED.
 - The reason given for the conditions is: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014)
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Decision

1. The appeal is allowed and planning permission is granted for the erection of single storey side and rear extensions, insertion of dormer windows into front and rear roof slopes and creation of front barn hipped gable to existing roof with associated internal and external works at Copperfield, Valley Lane, Culverstone, Gravesend DA13 0DQ in accordance with the application Ref 20161028 dated 21 October 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: D-02E and D-03.
 - 3) 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.

Main Issues

The main issues are: Whether the proposal would be a disproportionate addition and inappropriate development in the Green Belt, and the effect of the proposal on the openness of the Green Belt.

Reasons

2. The appeal property comprises a detached bungalow located on the eastern side of Valley Lane and set back from that lane in a large plot. The lane is narrow at this point and the character of the area is wholly rural with detached properties set amongst mature vegetation and with a woodland backdrop. The site also forms part of the Metropolitan Green Belt.
3. Planning permission was granted in 2016 (the 2016 permission) for substantial extensions to the property which have yet to be implemented¹. At the time, the Council secured amendments to the scheme in order to reduce the bulk and massing and as a result considered the proposal to be acceptable in terms of an extension to the property within the Green Belt. The appellant now wishes to amend the scheme, essentially by keeping the front and side extensions as approved, but by adding an infill extension at the rear and changing the roof form as a result. However, with an increase in the footprint of 48% and a volume increase of approximately 38% over the original dwelling the Council considers that the revised scheme would result in a disproportionate addition to the property, contrary to its own policies and guidance within the National Planning Policy Framework (the Framework).
4. The Council's approach towards development in the Green Belt is set out in Policy CS02 of its Core Strategy 2014 (CS), which says that development will be supported where it is compatible with protecting the Green Belt. More specifically Saved Policy C13 of the Council's Local Plan First Review 1994 (LP) restricts an overall limit of extensions to one third of the gross floor area of the original dwelling. Amongst other criteria, development is also required to be appropriate to the Green Belt in terms of appearance, massing, scale, form and materials.
5. Both policies are generally consistent with the Framework which sets out in paragraph 89 that the construction of new buildings are inappropriate within the Green Belt subject to certain exceptions. One of these relates to 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. The Framework does not define in numerical terms what is meant by disproportionate, but it is clear in both that guidance, and the Council's own policies that the starting reference point is the original dwelling.
6. Having regard to the above I note that the Council advises that the development would result in an overall increase in gross floorspace of 33%, which is consistent with the appropriate part of Policy C13 in that respect. However, the Council rightly points out that there is also a need to assess the proposal in respect of bulk, massing and scale. From that point of view, the development would appear exactly the same as the approved scheme when viewed from the front or side. I also agree that the design would be appropriate to its rural setting in terms of overall impact, good relationship with the host dwelling and choice of materials.
7. The only significant difference therefore would be at the rear. In that respect the proposed increase in the rear extension would not be visible except within the immediate rear garden area, as a result of being partly enclosed by the currently approved extension, and the fact that the land levels in the rear garden slope

¹ Application Ref 20160611

steeply upwards beyond the rear extensions. The only noticeable difference therefore would be in respect of the proposed change in roof form which I regard as being more sympathetic in form to the pitched roof character of the existing dwelling, than the flat roof previously approved.

8. Taking the above into account, I find that the extent of the proposed development would be compatible with its Green Belt location and impact would be largely similar to that which the Council has already considered to be acceptable. Although the Council refers to an increase in footprint of the building, as referred to above, the criteria within Policy C13 relates to gross floorspace which would be complied with.
9. Accordingly, and having regard to the 2016 permission, I find that the proposed extension would not amount to a disproportionate addition in this instance and would not be inappropriate, in respect of the cumulative additions over and above the size of the original dwelling.
10. In terms of impact of openness on the Green Belt, although the Council refers to this in its decision, the officer report does not explain how such harm would arise. As referred to above, given that visual impact from the front and side would be almost identical to that which has already been approved, and the fact that the proposed additional extension would be totally enclosed by part of the permitted extension and rising land levels to the rear, I do not consider there would be any additional harm on openness arising.
11. Although the Council is concerned that if permission was granted in this instance it would make it difficult to resist similar applications elsewhere, I have reached my findings above based on the specific site circumstances of this case together with the 2016 permission which is a material consideration.
12. The Council raises no objections in respect of parking and amenity considerations and having considered those issues at the site visit, I see no reason to reach a different conclusion.

Conclusion

13. Having regard to the above, there would be no conflict with Policies C13 of the LP or CS02 and CS19 of the CS in that the development would not exceed the limit on gross floor area, would be well designed, visually attractive and would be compatible with its Green Belt location. There would also be no conflict with the Framework in that the development would not be inappropriate in terms of its addition over the size of the original dwelling.
14. Conditions relating to the development being carried out in accordance with the approved plans and for matching materials, are necessary in the interests of certainty and visual amenity.
15. Accordingly, the appeal is allowed and planning permission granted.

Kim Bennett

INSPECTOR