

Appeal Decision

Site visit made on 9 June 2017

by R J Maile BSc FRICS

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

Decision date: 29 June 2017

Appeal Ref: APP/T2215/D/17/3171686

2 Court Hill Cottages, Hook Green Road, Southfleet, Gravesend, Kent, DA13 9NG.

- 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 Henry Arnold against the decision of Dartford Borough Council.
 - The application ref: DA/16/01760/FUL, dated 4 November 2016, was refused by notice dated 22 December 2016.
 - The development proposed is erection of a two storey side extension.
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Decision

1. The appeal is dismissed.

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 host building and that of the surrounding area.
 - d) If the proposal is inappropriate development 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.

Reasons

- a) *Whether inappropriate development.*
3. This property is an early 20th Century semi-detached farm cottage sited at the far end of an unmade track off Hook Green Road. It is located to the west of the small settlement of Southfleet. In addition to the pair of cottages there is
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a small detached bungalow on the opposite side of the turning area that serves the three properties.

4. The surroundings comprise open farmland, from which the site is separated to the west by a line of mature poplar trees. As part of the scheme before me a conservatory to the rear of the dwelling and a range of sub-standard, single storey outbuildings located to the rear of the curtilage would be demolished.
5. National policy in the Framework¹ states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (see paragraph 87). Paragraph 89 does allow for some 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.
6. An "original building" is defined in the Glossary to the Framework as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
7. Policy CS 13 of the adopted Core Strategy² states that in order to protect the openness of the Green Belt the Council will resist inappropriate development through its development control decisions. "Saved" Policy S4 of the Local Plan³ similarly seeks protection for the Green Belt.
8. Appendix 14 to the Local Plan sets out guidelines for extensions to dwellings in the Green Belt. It requires, amongst other matters, that the appearance, massing, scale, form and materials of any extension should respect and reflect those of the existing dwelling and any adjoining or nearby dwellings. No proposal which would have a visual impact prejudicial to the open character of the Green Belt will be permitted, while it is unlikely that any extension greater than one third of the original cubic content would meet the objectives of the guidelines.
9. The Council's Development Policies Plan⁴ has reached an advanced stage in the statutory adoption process. Given this fact, and having regard to its general compliance with national Green Belt policy, I intend to accord its emerging policies considerable weight in my determination of this appeal. Criteria a) and b) of Part 6 to Policy DP22 state that extensions to buildings in the Green Belt will only be acceptable where they are proportionate and subservient to the original building and that they should generally constitute not more than 30% volume of the original dwelling (where planning permission is required).
10. The scheme before me would bring about a volumetric increase of over 90%. This figure is well beyond the policy guidelines referred to above, such that I have concluded development as proposed would represent a disproportionate addition over and above the size of the original building.
11. Accordingly, I find upon the first main issue that the proposal would comprise inappropriate development within the Green Belt for the purposes of national policy and the policies of the Development Plan.

¹ The National Planning Policy Framework.

² The Dartford Local Development Framework: Core Strategy (adopted September 2011).

³ The Borough of Dartford Local Plan: Written Statement (adopted April 1995).

⁴ Dartford Development Policies Plan: Publication (Pre-Submission) Document (December 2015).

b) Effect upon openness of Green Belt.

12. The two storey extension would project from the flank elevation of the original cottage by some 6.9m. It would continue the ridge height of the main roof and includes a west-facing gable end. Such a large and bulky extension, almost doubling the size of this modest agricultural cottage, would have a materially adverse impact upon the openness of the Green Belt.
13. I have therefore found on the second main issue that development as proposed would be harmful to the openness of the Green Belt and the purposes of including land in it, contrary to national policy at Chapter 9 of the Framework, Policy CS 13 of the adopted Core Strategy and to "saved" Local Plan Policy S4 and associated Appendix 14.

c) Impact upon character and appearance.

14. Although it is set back marginally from the front elevation, the two storey side extension would fail the test of subservience to the original small dwelling. In particular it would increase the width of the front elevation by some 125% and wholly unbalance this pair of former agricultural worker's cottages.
15. The ridge height and the use of a non-matching front gable end, together with the choice of materials, would also be at odds with the property as originally constructed.
16. For all of these reasons, I find upon the third main issue that development as proposed would result in an unsympathetic and intrusive extension that would be detrimental to the character and appearance of the surrounding area contrary to "saved" Local Plan Policies BE1 (b) and H14 and Part 6 a) and b) of Policy DP22 of the emerging Dartford Development Policies Plan.

d) Other considerations.

17. The appellant states that the limited size of the cottage is prejudicial to the health and wellbeing of his children, who will need to live in what is effectively a two up, two down semi-detached house. He also points to the fact that no objections have been received from his neighbours or from the Parish Council; neither were there any objections from consultees on highway/environmental matters, or from statutory undertakers.
18. My attention has been directed to the grant of a Prior Development Certificate for a single storey rear extension (ref: DA/16/00770/PDE) dated 27 June 2016 and to the grant of a Lawful Development Certificate (ref: DA/16/01105/LDC) dated 10 October 2016 for single storey side and rear extensions and detached garage. I have been provided with copies of both documents and the approved plans in each case.
19. I have also been referred to extracts from local appeal decisions that relate to extensions within the Green Belt, to relevant case law and excerpts from Court decisions, including in one case the need to have regard to the wellbeing of the appellant's children.

The Green Belt Balancing Exercise

20. I have found above that the proposed extension would comprise inappropriate development within the Green Belt. This, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances.
21. I acknowledge that the volume of development that could be constructed under Permitted Development rights would exceed that for which permission is now sought. It would also be possible to impose a condition upon any permission to remove such Permitted Development rights. Nevertheless, both of the schemes that were deemed lawful in 2016 are single storey only and, for the most part, located to the rear of the cottage.
22. By contrast, the extension the subject of this appeal would be far more visible and have a greater impact upon the openness of the Green Belt. It would also harm the original format of this pair of former agricultural worker's cottages by unbalancing their relationship in terms of design and the use of materials. Neither would removal of the rear conservatory and single storey outbuildings compensate for the bulky two storey extension now proposed having regard to the location of those structures to the rear of the site and their low profiles.
23. No details have been provided to me as to the needs of the appellant's children or where they currently live. I also have no detailed information upon the other appeal decisions or Court Judgments referred to. Moreover, it is a well-established principle that each case must be judged upon its individual merits.
24. Given the impact of the development upon the openness of the Green Belt and its clear breach of national and Development Plan policy, I do not find that the other considerations in this case clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

25. For the reasons given above, I conclude that the appeal should fail.

R. J. Maile

INSPECTOR