

Appeal Decision

Site visit made on 18 July 2017

by Mr C J Tivey BSc (Hons) BPI MRTPI

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

Decision date: 25th July 2017

Appeal Ref: APP/G2245/D/17/3175019

The Cottage at The Grove, Grove Road, Penshurst, Tonbridge TN11 8DU

- 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 Dennard against the decision of Sevenoaks District Council.
 - The application Ref SE/16/03563/HOUSE, dated 14 November 2016, was refused by notice dated 21 March 2017.
 - The development proposed is for extension and external modifications to existing residential dwelling.
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Decision

1. The appeal is allowed and permission is granted for extension and external modifications to existing residential dwelling at The Cottage at The Grove, Grove Road, Penshurst, Tonbridge TN11 8DU, in accordance with the terms of the application Ref SE/16/03563/HOUSE, dated 14 November 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. No development shall be carried out until samples of the materials to be used in the construction of the external surfaces of the garage and to The Cottage hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details.
 3. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 2073/01 D – Date Stamped 2.12.16 and Drawing No's. 2073/08 C, 2073/07 B, 2073/06 A, 2073/04 D and 2073/05 F – Date Stamped 12.12.16.

Main Issues

2. The main issues in this case are:
 1. Whether the proposal would be inappropriate development in the Green Belt, having regard to the Development Plan and National Planning Policy Framework (the 'Framework'); and the effect of the proposal on the openness of the Green Belt;

2. The effect of the proposal upon the character and appearance of the area; and
3. If the proposal would be 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 it.

Procedural Matters

3. Notwithstanding the description of proposed works as submitted on the planning application form, the proposal before me includes the erection of a cartlodge style building which would provide a covered parking area, workshop and store which is the subject of the refusal of planning permission.
4. Furthermore, I note that the site is within the curtilage of a Listed Building, namely The Grove, which is Grade II Listed. The Cottage at The Grove is currently undergoing refurbishment, it is considered by the Council to be curtilage listed and I have been given no substantive reason to come to a different conclusion on this. In addition, works to that building have the benefit of Listed Building Consent pursuant to Reference 16/01741/LBCALT.
5. The grant of a Certificate of Lawfulness pursuant to Ref. 16/03562/LDCEX acknowledged the lawful use The Cottage as a self-contained dwellinghouse and therefore I am satisfied that it is capable of independent residential occupation in its own right. I have determined the appeal on this basis.

Reasons

Whether Inappropriate Development and Effect upon Openness

6. Policy GB1 of the Sevenoaks Allocations and Development Management Plan (ADMP) states that proposals to extend an existing dwelling within the Green Belt that meet a number of criteria will be permitted, namely: a) The existing dwelling is lawful and permanent in nature; and b) the design response to the original form and appearance of the building and the proposed volume of the extension, taking into consideration the previous extensions is proportional and subservient to the 'original dwelling', and does not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion.
7. The policy then goes on to state that if the proposal is considered acceptable when considered against Criteria a and b, that a further criterion will then be assessed and must also be met for the proposal to be considered appropriate: c) Clear evidence is provided that the total floor space of the proposal, together with any previous extensions, alterations and outbuildings would not result in an increase of more than 50% above the floor space of the 'original' dwelling (measured externally), including outbuildings within 5m of the existing dwelling.
8. I consider this policy to be broadly in accordance with the Framework and specifically the third bullet point of its paragraph 89 which states that the extension or alteration of a building is not inappropriate development within the Green Belt, provided that it does not result in disproportionate additions over and above the size of the original building.

9. By virtue of the grant of the Certificate of Lawfulness, I am satisfied that the existing dwelling, The Cottage, whilst under renovation, is lawful and permanent in nature. With regard to ADMP Policy GB1 criterion b, I consider that the proposed cartlodge would be designed in a manner that is sympathetic to the local vernacular and specifically would relate to The Cottage, a former stables and coach house of substantial character.
10. In assessing the plans before me, which identify the cartlodge building as proposed to be constructed in conjunction with that of The Cottage, I find that overall, by virtue of its design, that the proposal would respond to the original form and appearance of the host building and would appear subservient in form to The Cottage in terms of overall scale and massing. Following on from this, the Council state that they are satisfied that the proposed form of development could be, by definition, not inappropriate development in the Green Belt and, having concluded that the total amount of additional floor space that would be created by the proposal falls well within the 50% limit set by ADMP Policy GB1.
11. From this basis, therefore, I consider that the proposed covered parking, workshop and store would not appear to be disproportionately large in relation to the original dwelling and that the proposal in totality would not amount to inappropriate development. Therefore, the consequent effect upon the openness of the Green Belt would not be detrimental and I find that the proposal complies with ADMP Policy GB1 and the Framework.

Character and Appearance

12. As I have highlighted above, in dealing with the requirements of ADMP Policy GB1, I have found that the design of the proposed garage, workshop and store would respond to the original form and appearance of the host building and would appear subservient to the original dwelling by virtue of its design and form. I note within the section on 'openness' within the Officer Report, that it is highlighted that when viewed from the front (east) elevation that the proposed outbuilding would be wider than the two storey element of The Cottage and, consequently, an outbuilding of this size would not appear ancillary to it, but would rather compete in size creating a dominant addition.
13. However, the Officer Report also highlights that when including a single storey lean-to, the width of the outbuilding would be marginally less. Overall with a much lower ridge height I find that it would not visually compete with the curtilage listed building. Furthermore, in reality, due to perspective and the very fact that one would not be able to read the proposed development in the manner that is illustrated in two dimensional form on the plans, I am not convinced by this argument. Further, the Officer Report then highlights that the proposed building would be constructed using traditional materials typical of the rural area and would not detrimentally impact on the special landscape characteristics of the Area of Outstanding Natural Beauty. Whilst I have been given no reason to come to a different opinion on this matter I consider this further compounds my view that the proposal would provide an acceptable architectural solution for its location.
14. On this matter, I find that the proposed garage, workshop and store, by virtue of its overall scale and massing would appear subservient to its host dwelling and consequently would protect the character and appearance of the area. This

is in compliance with ADMP Policy EN1 and the Sevenoaks Residential Extensions SPD which require proposals to create high quality design with the form of proposed development to respond to the scale, height, materials and site coverage of the area.

Very Special Circumstances

15. As I have found that the proposal would not be inappropriate development it is not necessary for me to identify whether there are any very special circumstances necessary to justify granting planning permission.

Other Matters

16. As referred to above, the Council has already granted Listed Building Consent for the self-same proposal that is before me to The Cottage. The Council have confirmed that the proposals would preserve the Listed Building and its setting and I have been given no substantive reason to come to a different conclusion on this matter either.

Conclusion and Conditions

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed.
18. Other than the standard time limit condition, the Council has suggested a condition requiring samples of the external materials to be used in the construction of the proposal to be submitted and approved in writing to them. In the interests of the character and appearance of the surrounding area, this is an appropriate condition. In addition, for the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans is imposed.

C J Tivey

INSPECTOR