

Appeal Decision

Site visit made on 15 August 2017

by J R Bell-Williamson MA MRTPI

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

Decision date: 31 August 2017

Appeal Ref: APP/H2265/D/17/3177557

Chance Cottage, Long Mill Lane, Dunks Green, Tonbridge TN11 9SA

- 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 Mrs Emma Parker against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/16/03766/FL, dated 22 December 2016, was refused by notice dated 22 March 2017.
 - The development proposed is two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for two storey rear extension at Chance Cottage, Long Mill Lane, Dunks Green, Tonbridge TN11 9SA. The permission is granted in accordance with the terms of the application, Ref TM/16/03766/FL, dated 22 December 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: 14115-L10 (location plan), 14115-L11 (block plan) and 14115-02 Revision A (proposals).
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main issues

2. As the appeal property is within the Green Belt the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - the effect on the openness of the Green Belt; and
 - if the proposal would be inappropriate development, whether the harm to the Green Belt 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.

Reasons

3. The appeal property is a two-storey detached cottage with a frontage on the eastern side of Long Mill Lane within the small village of Dunks Green. The
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rear garden of Chance Cottage backs onto open countryside. There are a variety of types and ages of residential property situated along this part of the lane. As well as being within the Green Belt, the appeal property is located in an Area of Outstanding Natural Beauty.

Whether the proposal is inappropriate development

4. The National Planning Policy Framework (the Framework) makes clear at paragraph 89 that the construction of new buildings in the Green Belt should be regarded as inappropriate, with a small number of exceptions. One of these is 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.
5. Policy CP3 of the Tonbridge and Malling Borough Core Strategy states that national policy will apply to areas within the Green Belt. Accordingly, I have had regard to the more detailed guidance within the Framework in assessing this proposal. However, neither national guidance nor the local policy referred to quantify any increase in size that should be taken into account in considering development proposals.
6. The Council indicates that the volume of the original cottage was 205m³. Taking earlier extensions to the sides and rear together with the current proposal, the volume of the original building would increase to 430m³, or by more than 100%. Therefore, the proposed and previous additions together would by an assessment of increased volume result in a substantive degree of change. However, assessing proportionality is primarily an objective test based on size and, therefore, volume is not the only possible measure of the degree of change. It is instructive to compare any changes to the original physical size and scale of a building, including the bulk or mass that might be added.
7. Chance Cottage has a relatively long two-storey frontage; the earlier single storey side extensions have not materially altered its form in this regard. The main changes, therefore, to the original building are the two storey additions to the rear. These have added some depth but, as the Council states, this is relatively modest. Consequently, the integral form of the original building has not been changed fundamentally. The cottage remains a relatively modestly-sized dwelling that is of broadly similar scale and appearance to neighbouring dwellings in the village setting.
8. The proposed extension would alter this essentially linear built form by adding a two storey extension perpendicular to the rear elevation. This would, however, be of limited width in the context of the extent of the rear elevation and of similar height to the original building. Moreover, the additional depth of development beyond the rear building line would not be so substantial that it would harmfully upset the proportions of the cottage. Overall, therefore, even allowing for the earlier alterations, the proposal would be a relatively limited addition that would not add significant bulk, height or depth to the original building.
9. For these reasons, and despite the extent of the additional volume, the proposed extension would not result in a disproportionate addition over and above the size of the original building. Therefore, I conclude in accordance with the provisions of the Framework and Policy CP3 of the Core Strategy that the proposal would not be inappropriate development in the Green Belt.

Effect on openness

10. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. However, the effect on openness is implicitly taken into account in the exceptions included in paragraph 89 of the Framework unless there is a specific requirement to consider the actual effect on openness. Therefore, for those exceptions within paragraph 89, including the third bullet as in this case, where the effect of the development on openness is not expressly stated as a determinative factor in gauging inappropriateness, and where the development has been found to be not inappropriate development as is the case here, there is no specific requirement to assess the impact of the development on the openness of the Green Belt.
11. Nonetheless, for the avoidance of doubt, I have found above that the proposed extension would not add substantive bulk or mass to the appeal property. Moreover, the extension would be contained within the residential curtilage and would not adversely affect the extent of the garden or open land beyond. It would be visible from these views but would not be seen from the public realm in front of the building. As such, there would be no material harm to the Green Belt's openness as a result of additional residential development of the type proposed.

Overall Conclusion

12. I have found above that the proposal would not be inappropriate development in the Green Belt in accordance with paragraph 89 of the Framework. Moreover, there would be no harmful effects on the openness of the Green Belt. Consequently, there is no conflict with the Framework or with Policy CP3 of the Core Strategy and so the appeal should succeed.

Conditions

13. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development in accordance with the submitted details, one requiring development to be carried out in accordance with the approved plans. I agree also that a condition requiring the external materials used to match those of the existing building is needed in the interests of the appearance of the host dwelling and wider area.
14. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be allowed.

J Bell-Williamson

INSPECTOR