
Appeal Decision

Site visit made on 10 October 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: 23 October 2017

Appeal Ref: APP/G2245/D/17/3180411

Redcot, Fordcombe Road, Penshurst TN11 8DP

- 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 & Mrs Douglas against the decision of Sevenoaks District Council.
 - The application Ref SE/17/01548/HOUSE, dated 15 May 2017, was refused by notice dated 10 July 2017.
 - The development proposed is for demolition of existing porch, erection of part one, part two storey rear extension and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing porch, erection of part one, part two storey rear extension and associated works at Redcot, Fordcombe Road, Penshurst TN11 8DP, in accordance with the terms of the application Ref. SE/17/01548/HOUSE, dated 15 May 2017, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 3. The development hereby permitted shall be carried out in accordance with the following approved plans: RWA16/118-P100, RWA16/118-P101, RWA16/118-P102, RWA16/118-P103, RWA16/118-P104, RWA16/118-P105, RWA16/118-P106A & RWA16/118-P107.
 4. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(England) Order 2015 (as amended)(or any Order revoking or re-enacting that Order, with or without modification), no enlargement of the dwellinghouse as permitted by Classes A, B & D of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

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 the National Planning Policy

Framework (the 'Framework'); and the effect of the proposal on the openness of the Green Belt;

2. 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.

Reasons

Whether Inappropriate Development and Effect upon Openness

3. Policy GP1 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 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.
4. 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.
5. 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.
6. I have been given no reason to doubt that the existing dwelling is lawful and permanent in nature. Furthermore, with regard to the design I note that the Council considers that the proposed extension would be subservient to the host dwelling with its width and depth being proportionate to its original dimensions and previous extensions. The Council also finds that its appearance would unite with the palette of textures and colours present on the existing house and given the design of the proposal, its impact on the locality is likely to be appropriate. I have been given no substantive reason to come to a different conclusion on this matter and, therefore, I consider that the proposal complies with the second criterion (b) of ADMP Policy GB1.
7. With regard to criterion c) of ADMP Policy GB1, it is agreed between both parties that as Redcot stands today it has been extended beyond the 50% threshold. On this basis I can only conclude that the proposal would amount to inappropriate development which is, by definition, harmful to the Green Belt by virtue of a loss of openness through disproportionate additions over and above the size of the original building.

Other Considerations and whether there are Very Special Circumstances

8. A Lawful Development Certificate (LDC) (Ref. 17/00679/LDCPR) has been granted for the erection of a single-storey rear extension. As part of their case the appellants argue that this permitted development scheme would enable 45.48sqm to be added to the dwelling. The proposed extension, sought through this appeal and in a similar location, but comprising a first floor extension as well would amount to 21.8sqm. The appellants highlight that the appeal scheme would therefore result in a 6.9% increase on the existing building in volumetric terms, whereas the permitted development scheme would result in an 18.8% increase.
9. I note that the floor areas cited by the Council in the Officer Report vary slightly, but nonetheless, when comparing the plans for both of these schemes I note that the overall ground coverage would be substantially less for the appeal scheme before me. Whilst I acknowledge that the proposal would give rise to an extension at first floor level this would be comparatively modest and, as highlighted above, has already been found to be subservient to the scale, design and form of the dwelling as originally designed and extended to date. Architecturally I consider that the appeal scheme before me is a far more suitable and sympathetic design and I have been given no reason to doubt that should this appeal be unsuccessful, that the permitted development scheme would be built out. Therefore, I give the fallback position, the LDC scheme, significant weight.
10. Consequently, I find that the proposal before me, even with a first floor extension, would have a lesser impact upon the openness of the Green Belt than the permitted development single storey scheme. I say this particularly as the latter would essentially mask the existing original rear elevation of the dwelling in its entirety; whereas the appeal proposal would enable the original cat-slide roof form each side of the centrally located gable to be retained, thereby ensuring that the dwelling's character is conserved. I also note that the Council states that they find no harm to the character of the Area of Outstanding Natural Beauty, I concur with this view, in that the proposal would be tucked away at the rear of the dwelling and ultimately, once built, would be viewed as a logical and modest extension to the dwelling.
11. I note references to other appeals and decisions made by the Council, however, each case must be assessed on its own merits. I find that the fallback position of the permitted development scheme would be more harmful to the openness of the Green Belt than the scheme before me. Combined with a lack of visual harm to the character and appearance of either the host dwelling or the wider landscape, including the AONB, I consider that the harm by reason of inappropriateness is clearly outweighed, so as to amount to very special circumstances necessary to justify the proposal.

Conclusion and Conditions

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed.
13. Other than the standard time limit condition, the Council has suggested a condition requiring all materials to be used in the construction of the external surfaces of the development to match those used in the existing building. This,

and requiring the development to be carried out in accordance with the approved plans I consider to be appropriate, in the interests of protecting the character of the area.

14. Furthermore, the Council has recommended the imposition of a condition that removes permitted development rights in respect of the enlargement, improvement or other alteration of the dwellinghouse, and the erection of outbuildings. It has not been demonstrated why permitted development rights for the erection of outbuildings should be removed, however I consider, as suggested by the appellants, that it would be appropriate to remove rights under Class B i.e. additions to the roof of the dwellinghouse, in addition to Classes A and D.

C J Tivey

INSPECTOR