

Appeal Decision

Site visit made on 7 November 2017

by Timothy C King BA (Hons) MRTPI

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

Decision date: 4th December 2017

Appeal Ref: APP/G2245/D/17/3181489

Hillside, Uckfield Lane, Hever, Edenbridge TN8 7LJ

- 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 Ms Sarah Edwards against the decision of Sevenoaks District Council.
 - The application Ref SE/17/00883/HOUSE, dated 16 March 2017 was refused by notice dated 22 May 2017.
 - The development proposed is described as '*Replacement roof with accommodation within the roof space providing two new bedrooms, ensuite and dressing room. Single storey rear extension and changes to finishes.*'
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Decision

1. The appeal is allowed and planning permission is granted for a replacement roof with accommodation within the roof space providing two new bedrooms, ensuite and dressing room, a single storey rear extension and changes to fenestration at Hillside, Uckfield Lane, Hever, Edenbridge TN8 7LJ, in accordance with the terms of the application Ref SE/17/00883/HOUSE, dated 16 March 2017, subject to the attached schedule of conditions.

Preliminary Matters

2. I have used the Council's description of the proposal as set out on its decision notice as, in referring to 'fenestration' rather than 'finishes', it better focusses on the development involved.
3. The site lies within both the Metropolitan Green Belt and also the High Weald Area of Outstanding Natural Beauty (AONB). The Council has raised objections as to the proposal's considered effect on the Green Belt, and my assessment concentrates on this issue. However, the Council does not consider that there would be any resultant adverse effect on the AONB, and I do not disagree with this approach.

Main Issues

4. In the circumstances, the main issues in this case are:
 - i) whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework);
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- ii) the effect of the proposal on the openness of the Green Belt;
- iii) the effect on the character and appearance of the area; and
- iv) if it is inappropriate development, whether the harm by reason of inappropriateness and by reason of any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development

5. The appeal site, despite being of considerable depth, is of narrow width and the existing dwelling, despite being previously extended, is of modest size and is single-storey in height.
6. The Council considers that the proposal constitutes inappropriate development in the Green Belt in that the development would run contrary to the requirements of Policy GB1 of its Allocations and Development Management Plan (ADMP) and also the National Planning Policy Framework (the Framework).
7. The Framework states that inappropriate development is, by definition, harmful to the Green Belt. All development is inappropriate unless, in the case of any new building constructed, it falls within one of the exceptions referred to in paragraph 89 of the Framework. This includes 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.
8. Although the Framework provides no clear guidance over what may, or may not amount to disproportionate additions the ADMP, which was adopted in 2015, some three years after the Framework's publication, requires that the floorspace resulting should not involve an increase of more than 50% above the floorspace of the original dwelling. The Council cites previous additions made to the dwelling; a porch, a kitchen extension and a side garage. Although the proposal would involve the garage's demolition, the Council estimates that the proposal would still represent a floorspace increase in 110% on that of the original dwelling.
9. The appellant does not appear to dispute this calculation but, instead, concentrates on the percentage increase on the dwelling's existing floorspace. However, as both the Framework and ADMP Policy GB1 concentrate on additions to that of the original dwelling I afford this approach little weight.
10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. Although Policy GB1 appears to slightly broaden the definition of when extensions constitute 'disproportionate additions' beyond that given in the Framework which simply refers to 'size', given the more recent adoption of the ADMP I give full weight to its policies.
11. The undisputed increase of 110% is significant and I consider that the proposal would represent a disproportionate addition to the original building contrary to

paragraph 89 of the Framework and also Policy GB1 of the ADMP. It would therefore be inappropriate development which, harmful to the Green Belt, carries substantial weight.

12. I therefore conclude that the proposal represents inappropriate development within the Green Belt for the purposes of the Framework. It would also be contrary to the requirements of ADMP Policy GB1 and the Council's Supplementary Planning Document 'Development in the Green Belt' (SPD).

The effect on the openness of the Green Belt

13. The Framework states that an essential characteristic of Green Belts is their openness and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land within them permanently open. The Council's SPD, in addressing the matter of residential extensions proposed within the Green Belt, advises that, by reason of proportionality, such development should not harm the openness of the Green Belt through excessive scale, bulk or visual intrusion.
14. The proposed scheme would increase the footprint of the dwelling itself, but only very marginally. Indeed, although a partial width single-storey rear extension to a modest depth of 2.5m would result, the existing side garage which is outside the main envelope of the dwelling would be demolished. Although the building would be heightened this would be articulated in form and, combined with the garage's removal, the alterations would have the visual effect of making the dwelling appear more compact. With the limited width of the site, this would provide mitigation to the effects from the raised central section of the building.
15. Given the contextual setting with the neighbouring dwellings on either side of the site, both of two-storey height, I find that the proposal's impact on the openness of the Green Belt would be somewhat tempered. In the circumstances, although I accept that harm in this respect would result I conclude that it would be limited.

Character and appearance

16. The Council previously refused planning permission for a similar proposal at the site, and the decision was upheld on appeal (*ref: APP/G2245/D/16/3156336*). Both main parties have referred to the decision and I have noted the appointed Inspector's comments whereby he acknowledges that, notwithstanding the appeal's dismissal, the proposal would improve the appearance of the dwelling, remarking that the result would be a modern looking dwelling that would be almost indistinguishable from the existing unsightly bungalow. In this regard the Inspector went on to mention that the improvement to its appearance would bring some benefit to the AONB and the character and appearance of the area.
17. In light of the above the appellant made some significant changes to the proposal involving a reduction in height, a remodelling of the roof with a more gentle angle of pitch, a much reduced depth for the rear extension and the intended demolition of the garage. Given these substantial modifications there would be no resultant harm to the character and appearance of the area. On

the contrary, I conclude that the opposite would be true with the proposal amounting to a significant visual improvement.

Very special circumstances

18. Paragraph 88 of the Framework requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. I have identified harm by reason of inappropriateness and a degree of harm to its openness, and to justify the proposal other considerations in favour of the development must clearly outweigh the harm.
19. In this instance the existing bungalow's both immediate neighbours are two-storey in height and, in terms of this stretch of Uckfield Lane, the dwelling's form and unremarkable design is something of an anomaly. In assessing the merits of the current proposal I find that those identified by the Inspector on the previous scheme have been potentially enhanced by the redesign.
20. In noting the intended removal of the side garage and, having had regard to the previous Inspector's comments, the newly proposed reduction in height and depth and the more compact design that would result, I find these to be significant considerations. The property appears in need of repair and investment and, taken together with the design alterations which would bring the dwelling's form better in line with the neighbouring dwellings, and the consequential visual improvements, including a beneficial effect on the AONB, the weight of these considerations would clearly outweigh the totality of the harm.
21. In view of the above, notwithstanding the harm I have identified and that the 50% floorspace increase threshold would be breached so as to conflict with ADMP Policy GB1, when taking the case as a whole I conclude that the very special circumstances necessary to justify the development do, in this instance, exist.

Conclusion and Conditions

22. For the above reasons, and having had regard to all matters raised, the appeal succeeds. In terms of conditions to ensure a satisfactory appearance I impose a condition requiring for the use of the materials as listed on the application form and the submitted elevational drawings. Also, in the interests of certainty, a condition is imposed requiring that the development be implemented in accordance with the approved plans.
23. In addition, the Council has suggested a condition that the first floor rooflights and windows proposed on the dwelling's flanks should be partially obscurely glazed. I disagree, though, as these windows would be high level and also, due to the significant distances to the neighbouring dwellings' flank walls, the privacies of the respective occupiers would not be compromised.
24. Finally, the Council has also suggested that the proposal should necessitate the cancellation of all permitted development entitlement under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order, 2015. As the dwelling has already been extended the scope under Class A is significantly limited whilst any restrictions under Class E would not directly

relate to the appeal development, and would thereby be contrary to the relevant advice within the Planning practice guidance.

25. In view of the form and extent of the proposed development I consider that planning implications would only potentially arise under Class B ('The enlargement of a dwellinghouse consisting of an addition or alteration to its roof'). Moreover, I also consider that these are such that any future proposals in this regard should be subject to objective assessment by way of a formal planning application. I, therefore, impose a condition restricting such development, accordingly.

Timothy C King

INSPECTOR

SCHEDULE OF 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: Drawing Nos. PLN01, PLN02, PLN03, PLN04, PLN05, PLN06, PLN07, PLN10 and PLN11.
- 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall be in accordance with those specified on the application form and Drawing Nos. PLN06 and PLN07.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) planning permission shall be required in respect of any development falling within Schedule 2, Part 1, Class B of that Order.