



Appeal Decision

Site visit made on 5 June 2018

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2018

Appeal Ref: APP/K2230/D/17/3180478

1 Cheneys Cottages, Thong Lane, Shorne, Gravesend DA12 4AA

- 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 D Chubb and Miss K Copeland against the decision of Gravesham Borough Council.
 - The application Ref 20170001, dated 17 February 2017, was refused by notice dated 6 June 2017.
 - The development proposed is described as 'erection of two storey side extension and alterations to the roof of the single storey rear extension; with a driveway to the front of the house'.
 - This decision supersedes that issued on 17 October 2017. That decision on appeal was quashed by order of the High Court.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was amended prior to the Council issuing its decision and I have therefore only had regard to the revisions shown on drawings 2016-319(P)005 Revision A (Existing and Proposed Site Plans), 2016-319(P)110 Revision A (Proposed Floor Plans and Elevations) and 2016-319(P)111 (Proposed Floor Plans and Elevations – Shed). The proposed site plan shows tree and hedge planting extending across the whole width of the property (No 1), with the existing side access and rear parking area being retained. Given the details shown on the aforementioned drawing I have treated the formation of the front driveway referred to in the appellants' description of development as no longer forming part of the development.
3. The application plans show a two storey side extension, alterations to the roof above the existing single storey rear extension and the siting of a detached timber shed within the rear garden of No 1. However, the shed is not referred to in the appellants' description of development, although it has been referred to on the Council's decision notice. No 1 is in the Thong Conservation Area (the CA) and the Council made an Article 4 Direction on 18 May 2010. That direction has withdrawn the permitted development rights for extensions, other alterations to roofs, porches, microwave antenna, the erection of all means of enclosure and the demolition of all means of enclosure. However, under the Article 4 Direction the permitted development rights for outbuildings, such as sheds, continue to be available. As the appellants have

not sought planning permission for a shed's installation I have not considered the installation of a shed as part of this appeal.

4. Further to the issuing of the now quashed appeal decision works commenced on the development and those works ceased following the High Court challenge being mounted¹. Those works have involved the demolition of a conservatory, the laying of the foundations for a two storey side extension and the removal of internal fixtures and fittings. As the works on the extension's construction have not progressed above ground level I have treated the development as only having been commenced.
5. In terms of the percentage increase in No 1's floor area arising from the development there is disagreement between appellants and the Council. The appellants have submitted that the percentage increase in No 1's floor area would be 67%, while the Council puts the figure at 86.6%. The increase in the floor area being relevant to the consideration as to whether the development would be inappropriate or non-inappropriate development in the Green Belt. The difference in the calculations relied on by the parties only became apparent following the submission of the appellants' case in connection with the appeal's redetermination. To assist my understanding of the parties' positions they have had the opportunity to make written submissions explaining the basis for their floor area uplift calculations. I have had regard to the submissions that have been made in my reasoning below.

Main Issues

6. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (the Framework);
 - the effect of the development on the openness of the Green Belt; and
 - if the development would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development in the Green Belt

7. Policy CS02 of the Gravesham Local Plan Core Strategy of 2014 (the Core Strategy) states that development in the rural area will be supported where it is compatible with national policies for protecting the Green Belt. Paragraph 87 of the Framework states that inappropriate development in the Green Belt is harmful by definition and should not be permitted. However, paragraph 89 of the Framework lists six exceptions for development that may, in certain circumstances, be regarded as being not inappropriate in the Green Belt. Paragraph 89's third exception specifically relates to extensions or alterations to 'buildings' and they may be considered as being not inappropriate if they would '... not result in disproportionate additions over and

¹ The appellants' appeal submissions of March 2018

above the size of the original building'. The Framework defines original building as 'a building as it existed on 1 July 1948'.

8. Saved Policy C13 of the Gravesham Local Plan First Review of 1994 (the Local Plan) sets out specific local policy for extensions to dwellings in the countryside. Within the Council's area the countryside's and Green Belt's extents are coterminous with one another and Policy C13 is therefore a policy for the Green Belt. Policy C13 states that while extensions will be considered on their merits regard should be paid to the seven assessment criteria listed in this policy. For the purposes of assessing whether the extension would be inappropriate or not inappropriate development in the Green Belt I consider that of Policy C13's seven criteria the second (floor area increases) and third (provision of essential basic amenities such as bathrooms, toilets and kitchens) are the most relevant to this case.
9. While Policy C13 is not written in the same terms as paragraph 89 of the Framework, with it being specific to residential extensions rather than buildings in general, I consider that Policy C13 is broadly consistent with the national policy for the Green Belt.
10. Policy C13's second criteria indicates that the gross floor area of extensions should generally not exceed one third of the original dwelling's gross area prior to any later extension or alteration, unless the increased floorspace would have no overall effect on the existing bulk and appearance of the dwelling. As I have indicated above there is a disagreement as to what the percentage increase in No 1's floor area would be following the extension's construction. From the representations made by the parties it would appear that the difference between 67% and the 86.6% floor area increases referred to respectively by the appellants and the Council relates to a lean-to structure built prior to 1 July 1948. That lean-to having been demolished in connection with the construction of the development subject to the planning permission granted on 18 March 1987.
11. It would appear that the Council's calculation of the floor area change includes an element of double counting. Notwithstanding that in relative terms an increase of 67% would be substantial, being around double the guide figure stated in Policy C13. A by-product of the increased floor area would be that No 1, in relative terms, would have a bulkier appearance. When both the increases in the floor area and the property's bulk are taken into account I consider that the extension would amount to a disproportionate enlargement of No 1 and this development would not accord with Policy C13's second criterion.
12. When I undertook my site visit it was not possible to view the interior of No 1, although I understand from the appellants' submissions that much of its interior was removed when works on the side extension were commenced. For the purposes of considering Policy C13's third criterion, based on what is shown on the existing and proposed floorplans, No 1 has a kitchen, bathroom and a toilet. The appellants would therefore not be dependent on an extension of the intended size to provide 'essential basic amenities'. I therefore consider that Policy C13's third criterion does not provide a justification for an extension of the intended size.
13. I therefore conclude that the two storey extension would be a disproportionate addition and that it would be inappropriate development in

the Green Belt having regard to the provisions of Policy C13 of the Local Plan, Policy CS02 of the Core Strategy and paragraphs 87 and 89 of the Framework. The development because of its inappropriateness would, by definition, be harmful to the Green Belt and paragraph 88 of the Framework indicates that substantial weight should be given to that Green Belt harm.

Green Belt Openness

14. Paragraph 79 of the Framework states that openness is an essential characteristic of the Green Belt and as the two storey extension would add to No1's bulk there would be some loss of openness. However, No 1 occupies a spacious plot and I therefore conclude that the effect on the Green Belt's openness would be modest.

Other Considerations

15. The appellants are of the opinion that the side extension would not be inappropriate development in the Green Belt and because of that they consider the development does not need to be justified on any other grounds. Nevertheless I recognise that the provision of the extension would assist the appellants in accommodating their family. However, on the available evidence I attach limited weight to that consideration, with there being no suggestion that No 1 is the only dwelling capable of meeting the appellants' needs.
16. I accept that the extension's design would be in keeping with the character and appearance of 1 to 4 Cheneys Cottages and that this development would preserve both the character and appearance of the CA. In that regard I consider that there would be no conflict with Policy C13's sixth criterion. I am also of the opinion that the siting and scale of the extension relative to White Horse Cottage, which is a grade II listed building, would mean that there would be no adverse effect on the listed building's setting. I consider the absence of harm to the designated heritage assets to be a neutral effect of the development.

Conclusions

17. The two storey extension would have no adverse effect on the CA and the setting of White Horse Cottage and there would be a limited effect on the openness of the Green Belt. The extension would nevertheless amount to inappropriate development in the Green Belt for the purposes of the local and national policy I have referred to above. That inappropriateness would be harmful for the Green Belt and the Framework states that substantial weight should be attached to Green Belt harm. I consider that other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify a development in the Green Belt do not exist. I therefore conclude that the appeal should be dismissed.

Grahame Gould

INSPECTOR