



Appeal Decision

Site visit made on 15 July 2019

by P Wookey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2019

Appeal Ref: APP/K2230/W/19/3225211

Sunny Slope, Longfield Avenue, Gravesend DA3 7LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs M Holden against Gravesham Borough Council.
 - The application Ref: 20180974 is dated 12 September 2018.
 - The development proposed is described as the demolition of existing dwelling and erection of replacement bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and erection of replacement bungalow at Sunny Slope, Longfield Avenue, Gravesend DA3 7LA, in accordance with the terms of the application Ref: 20180974, dated 12 September 2018, subject to the conditions shown in the attached schedule.

Application for costs

2. An application for costs was made by Mr and Mrs Holden against Gravesham Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appeal concerns the failure of the Council to determine the application within the statutory time limits. An appeal was lodged and the appellant re-submitted the application, which was determined by the Council. The Council submitted as evidence the officer's report for the re-submitted application, though it is not accompanied by any decision notice. The Council has not submitted a statement in relation to this appeal.
4. Whilst I have referred to the issues raised by the Council in respect of the re-submitted application¹ in its officer's report, no other details relating to that application has been submitted as evidence and therefore I cannot be certain the development proposals are the same. The Council states it is the same scheme and the appellant has submitted comments on the Council's officer's report for the re-submitted application.
5. The issues raised by the Council in its determination of the re-submitted application, relate to the development being inappropriate development in the Green Belt, due to the scale of the replacement building and its effect of the on

¹ Council's reference 20190292

openness of the Green Belt and its effect character and appearance. I have therefore defined the main issues on the basis of the evidence before me.

Main Issues

6. The main issues are:

- Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (2019) (the Framework) and development plan policy;
- the effect of the proposal on the openness of the Green Belt; and,
- the effect of the proposal on the character and appearance of the surrounding area; and,
- if the development is inappropriate, 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 the development.

Reasons

Whether inappropriate development

7. The appeal site contains a detached single storey bungalow and stable block on a relatively large plot. It forms part of a row of other detached dwellings on large plots along Longfield Avenue, served by an unmade road. The existing bungalow is set well back from the front boundary. Opposite the appeal site there is an equestrian yard and to the south of Longfield Avenue there is open land, trees and woods, so that the setting is semi-rural in character.
8. Policy CS02 (Scale and Distribution of Development) of the Gravesham Local Plan Core Strategy (2014) (CS) states that outside rural settlements, as defined on the proposals map, development will be supported where it is compatible with national policies for protecting the Green Belt and other policies in the plan. In this regard the Council's policy is broadly consistent with the Framework.
9. The Framework establishes that new buildings within the Green Belt are inappropriate, unless amongst other things, it involves the replacement of an existing building for the same use and it is not materially larger than the building being replaced. The development proposed would demolish the existing bungalow and stable block and replace it with a new dwelling. The new dwelling would be single storey, with basement with a central flat roof, flanked by two pitched roof wings. The habitable rooms would be on the ground floor and the basement would be used for a cinema, store and gym.
10. Based on the evidence submitted by the appellant, the gross external floor area (GEFA) of the existing bungalow and stable block is approximately 231m² and volume of approximately 717m³. The development proposed would result in a GEFA of approximately 230.23m² and a volume of approximately 1006m³. The appellant states that the figures differ to those used by the Council in its assessment of the re-submitted application, which may be due to the omission of the existing stables in their calculations. Either way, there is no doubt that the new dwelling would have a greater volume, though slightly smaller GEFA

than the existing bungalow and as such it would be inappropriate development, which by definition would be harmful to the Green Belt.

Openness

11. Openness is an essential characteristic of the Green Belt and as set out in paragraph 133 of the Framework, the fundamental aim is to avoid urban sprawl by keeping land permanently open.
12. The overall scale and layout of the existing development on the appeal site results in it being well integrated into its semi-rural surroundings. The development proposed would result in a dwelling with a larger footprint but would be in a similar position on the appeal site, set well back from the front of the site. Its roof would be much higher than the existing bungalow and the design incorporating two pitch roofs and a central flat roof would alter the sites appearance.
13. However, the removal of the timber stable block would open up the area to the side of the new dwelling and contribute significantly to the site's overall spaciousness, close to the existing mature tree lined boundary. Whilst the volume of the new dwelling would be greater, the GEFA would be slightly reduced, due to the basement accommodating areas ancillary to the main habitable rooms. This would alleviate the need to impinge on the rest of the site for storage and other domestic paraphernalia. Further the basement would have no visual or spatial impact on the openness of the Green Belt and by reason of the design and layout the new dwelling would appear to be a single storey dwelling. It would be similar to the bungalow it proposes to replace, and which is characteristic of the style of development along the full length of Longfield Avenue. Overall, I conclude that there would be no harmful effect on the openness of the Green Belt as a result of the development proposed.

Character and Appearance

14. Policy CS19 of the CS seeks to ensure that new development is visually attractive and locally distinctive. Whilst the development proposed would alter the character and appearance of the appeal site, the new dwelling would not appear incongruous given the pattern and varied styles of development in its immediate vicinity. Whilst the roof height is higher than the existing bungalow, the neighbouring Highfield development has a two-storey mono pitch roof and other dwellings in the vicinity are of a similar height. Further the new dwelling would be set well back from the front of the site and centrally located with much of the existing mature landscaping and trees along the boundary retained, mitigating any visual impact.
15. The new dwelling would not have a prominent or overbearing appearance and would blend in with its surroundings. Therefore, there would be no harmful effect on the character and appearance of the surrounding area and the development proposed would not be contrary to Policy CS19 of the CS which seeks to new development is visually attractive and is in keeping with the character and appearance of its surroundings.

Other Considerations

16. The appellant has stated that a Certificate of Lawful Use of a Proposed Use or Development² (CLOPUD) was granted for alterations and extensions to the property which would comprise the erection of single storey extensions to each side of the existing bungalow and alterations to the roof comprising a change from hip to gable end. The appellant states that this provides a fallback position and would result in an extended dwelling which would have a GEFA of approximately 278m² and a volume of approximately 888m³. I note that the appellant states that whilst it would be possible to extend the existing dwelling lawfully, it would not appear as attractive; would result in a compromise to the internal layout and would not comply with standards of insulation and energy efficiency.
17. Therefore, whilst I note that the appellant states that the CLOPUD development would be a compromise, there would be a reasonable fallback position if the appeal was not allowed and due to its larger GEFA and less attractive design, it would have a significantly greater spatial and visual impact on the openness of the Green Belt.

Overall Balancing

18. The development proposed would be inappropriate development, which would conflict with the development plan and would by definition be harmful to the Green Belt, to which substantial weight is attached. However, the new dwelling would be located in a similar location as the existing bungalow in the central part of the site and would open up the area occupied by the existing stable block creating a more spacious and open landscape. The new dwelling is designed in such a way that it would not be overbearing or prominent and would have no adverse effect on the character and appearance of the surrounding area.
19. The CLOPUD presents a reasonable, but less attractive and sustainable fallback position which would have a greater adverse effect on the openness of the Green Belt and character and appearance of the surrounding area. Moreover, the fallback position would not produce the higher quality of design or spacious benefits that would result from the development proposed. These considerations clearly outweigh the harm to the development plan and the overall benefits of the development proposed on openness, compared to the CLOPUD and would represent very special circumstances, which justify the development proposed.

Conditions

20. The Council has proposed a number of planning conditions which I have assessed taking into account the tests as outlined in paragraph 55 of the Framework. Where appropriate, I have amended the conditions in the interests of precision and necessity.
21. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.

² CLOPUD reference 20180580

22. In the interests of character and appearance of the surrounding area, condition 3 and 4 are imposed. Condition 5 and 6 will ensure that existing trees and shrub planting and those proposed are protected and other landscaping works are implemented according to the agreed plans.
23. Condition 7 is necessary to ensure that adequate arrangements are made for the disposal of surface water and in the interests of other highway user's Condition 8 will ensure the retention of the existing vehicle parking area.
24. The Planning Practice Guidance advises that conditions restricting the future use of permitted development rights should only be used in exceptional circumstances which in this case have been demonstrated and therefore Condition 9 is imposed in the interests of protecting the openness of the Green Belt in the event of any further proposed development on the appeal site.

Conclusion

25. For the reasons set out above, the appeal is allowed.

Paul Wookey

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule:

2891/01A – Site location plan
2891/02B – Existing Block Plan;
2891/03A – Existing floor and roof plan
2891/04A – Existing elevations
2891/10 – Proposed block plan
2891/11 – Proposed ground floor plan
2891/12 – Proposed basement
2891/13 – Proposed elevations
- 3) Prior to any above grounds works commencing, details (and samples where requested by the Local Planning Authority) of all the external facing materials to be used in the construction of the development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details before the first occupation of the development.
- 4) Following the demolition of the existing dwelling and prior to any ground works taking place, full details of hard landscape works and surface finishes for the development, including details of the access drive, car parking area, any patio areas, any screening by walls, fences or other means and any steps shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall then be constructed in accordance with the approved details and completed, in its entirety, prior to first occupation of the dwelling hereby permitted.
- 5) Following the demolition of the existing dwelling and prior to any ground works taking place, a soft landscaping scheme shall be submitted to and approved in writing by the plan shall be submitted to and approved in writing by the Local Planning Authority, detailing the following:
 - The location of every tree on site, their species, the extent of crown spread and an assessment of their health and stability,
 - Details of those trees to be retained and those to be removed
 - Details of the hedgerow planting species to be retained along the site frontage
 - Details of additional tree and shrub planting within the site, to include their quantity, size and arrangements for aftercare.

Any identified trees or plants that die, are damaged, removed or become diseased within five years from the first occupation of the dwelling hereby permitted shall be replaced with a species of a similar size and species during the next available planting season.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use in accordance with the agreed implementation programme. The

completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

- 6) A full arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority in relation to those trees to be retained on the site. The method statement shall include:
- a) the specification and position of fencing and other measures such as temporary surfacing, for the protection of the roots and crown spread of trees, groups of trees to be retained on and adjoining the site;
 - b) the programme for the erection and maintenance of protective fencing and the installation of any other protective measures;
 - c) details of any proposed alterations in existing ground levels and of the position of any proposed excavation and constructional details in relation to drainage, hard surfacing, foundations, walls and similar works within the protected area;
 - d) details of contractor's compounds and areas for storage; and
 - e) a schedule of any proposed tree works.

The method statement shall be implemented in full prior to any ground works commencing on site, in accordance with the approved details and shall be maintained during the course of construction.

- 7) Following the demolition of the existing dwelling and prior to any ground works taking place, a scheme for sustainable surface water drainage has been submitted to and approved, in writing, by the Local Planning Authority. The details submitted should specify the responsibilities of each party for the implementation of the drainage measures, a timetable for implementation and a management and maintenance plan for the lifetime of the development. The surface water drainage scheme shall thereafter be implemented in full, prior to first occupation of the dwelling hereby permitted and thereafter maintained and managed in accordance with the approved scheme.
- 8) The area defined as vehicular parking on Drawing no 10 (proposed Block Plan) shall be formed in accordance with the details submitted pursuant to condition 4, prior to first occupation of the dwelling hereby permitted and no development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any provision equivalent to that Order in any statutory instrument revoking and re-enacting that Order, with or without modification, shall be carried out on the site in such a manner or in such a position so as to preclude its use for vehicle parking.
- 9) Notwithstanding the provisions of Article 3 and Classes A, B, C and E of Schedule 2 to Part 1 of the Town and Country Planning (General Permitted Development) Order 2015, as amended (or any provision equivalent to those classes in any statutory instrument revoking and re-enacting that Order, with or without modification), no enlargement, improvement or other alteration of the dwelling hereby permitted shall be carried out, including any alterations to the roof, including the installation of dormers and rooflights, and no additional buildings required for a purpose incidental to the enjoyment of the dwelling shall be provided in the curtilage of the dwelling house provided.