
Appeal Decision

Site visit made on 2 December 2019

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2020

Appeal Ref: APP/G2245/W/19/3233789

Bowmans Orchard, Burlings Lane, Knockholt TN14 7PF

- 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 and Mrs Mullins against the decision of Sevenoaks District Council.
 - The application Ref 19/01037/FUL, dated 5 April 2019, was refused by notice dated 25 June 2019.
 - The development proposed is replacement detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant submitted additional overlay and comparison drawings with the appeal showing previous schemes that have been referred to in support of the proposal. The Council have not raised any objection and have duly considered the drawings. Consequently, I find that no party would be prejudiced by my consideration of these drawings and I have had regard to them in reaching my decision.

Main Issues

3. There is no dispute that the proposal would constitute inappropriate development within the Green Belt¹ as defined in Policies GB1² and GB4 of the Sevenoaks Allocations and Development Management Plan 2015 ('the ADMP') and the National Planning Policy Framework ('the Framework'). Furthermore, that the harm by reason of inappropriateness should be given substantial weight. I concur with that position.
4. Consequently, the main issues are:
 - The effect on the openness of the Green Belt.
 - The effect on the character and appearance of the area.
 - If the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances necessary to justify the proposal.

¹ Paragraph 5.8 of Appellant's statement of case.

² Although not in the RfR this policy is clearly an important and relevant policy to the appeal.

Reasons

Effects on openness

5. Paragraph 133 of the Framework states 'the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence'. Effects on openness can include both visual and spatial aspects. In this case the combination of the size of the appeal site and the modest scale and disposition of the dwelling on the site results in a clear perception and sense of openness and spaciousness across the site.
6. In terms of spatial aspects this is a large plot and there would be some overlapping of built form. Nonetheless, the proposed development would introduce substantial 2 storey built form into a part of the site which is currently undeveloped. It would also be materially larger than the original building in terms of its footprint, floorspace, mass, bulk and height. As such it would inevitably affect the spatial openness of the site.
7. In visual terms the proposal would be evidently more conspicuous than the existing building given the marked change from a rural chalet bungalow to a considerably larger, 2 storey contemporary dwelling of a substantial width and bulk. This would be exacerbated by the upper storey and roof design which would contain a wide variety of different sized gable and hipped elements, including 2 storey projections, extending to the ridge height or just below and sloping rooflines. The first floor would also contain flat roof box projecting and pitched roof dormers on the rear and sides along with large areas of fenestration.
8. Although there is intermittent soft landscaping that would provide some screening, I observed that this change would be perceptible from parts of Burlings Lane, including both accesses to the property and in limited glimpses from the Public Right of Way to the north. Having regard to both spatial and visual aspects the proposal would cause substantial harm to the openness of the Green Belt. It would therefore conflict with Policies GB1 and GB4 insofar as it would materially harm the openness of the Green Belt.

Character and appearance

9. The appeal site sits remotely in the countryside with some low density residential development of varying sizes and forms located on plots and in groups of varying sizes and shapes. I observed expansive fields demarcated with hedgerows, trees and large wooded areas. On the eastern side of Burlings Lane the appeal site is one of 2 much larger residential plots with the dwellings set back from the lane and with expansive gardens backing onto mature woodland.
10. Such contemporary interpretations of an earlier style can develop a further layer of vernacular which complements, rather than competes with the past. However, it is critical however to understand how the proposal will visually engage with its context. For such development to be successfully achieved in design terms this does not necessarily mean it has to 'fit-in' or replicate existing patterns and styles of architecture but it must positively respond to the constraints and opportunities of the site and locality.

11. The existing modest chalet bungalow is of a simple rural style and form. In stark contrast, the proposal would be of a much larger urban scale and form, overly squat and with a large expanse of flat roof in an attempt to reduce its height. The various elements of the roof referred to above would result in an unduly complicated design and form. Combined with its scale and mass, the eye would be unacceptably drawn to what would be an unsympathetic and obtrusive intrusion of overly large and complex built form into this rural streetscene and area. Across such large facades the over reliance on the play between horizontal, diagonal and vertical lines would not represent the necessary simplicity and honesty in built form that, in my experience, is an important component of the Arts and Craft style and assists in reducing the visual effects of such scale and bulk.
12. In reaching this view I accept there is some subjectivity and I have also had regard to the eighteen examples of dwellings within the wider Knockholt area brought to my attention by the appellant. Whilst I accept there is some variety in the style, size and appearance of residential dwellings in the locality I have not been provided with the full details so cannot be sure that they are directly comparable to the scheme before me. Further, on that limited photographic evidence, the closest dwellings known as Panfield Cottage and Burwood House are large dwellings but also appear to have a greater simplicity in structure, form and appearance. I must also determine the appeal on the basis of its own site specific and bespoke considerations and therefore such examples do not justify or allow the harm that I have identified.
13. Overall, in this particular context the proposal would not be the high quality of design required by local and national planning policy. The resultant harm to the character and appearance of the appeal site and area would be sufficiently important to be worthy of attention and therefore significant. The proposal would conflict with Policy EN1 of the ADMP and Policy SP1 of the Sevenoaks Core Strategy 2011 insofar as they seek to ensure all new development is of a high quality design that, amongst other things, respects the character of the area.

Other considerations

14. The appellant has referred me to fallback positions for a replacement dwelling ('the replacement scheme') and extensions that could be built under permitted development rights ('the PD scheme'). Having regard to the relevant case law, if there is a greater than theoretical possibility of development taking place, then it is material. Secondly, only if it satisfies that requirement does any assessment of its weight fall to be determined.

The replacement dwelling scheme

15. Planning permission was granted in 2013 and subsequently, 2016 for a replacement dwelling pursuant to application SE/16/03476/FUL. That decision was dated 24 February 2017 and is therefore extant. There appears to me to be a greater than theoretical possibility that such development might take place, were I to dismiss the appeal.
16. Compared to the scheme before me the undisputed figures confirm there would be a reduction in the floorspace and volume along with a negligible decrease in footprint. Nonetheless, as acknowledged by the appellant quantitative size is only a starting point and an assessment must also be made by reference to all

matters such as scale, height, mass, spatial/visual implications and context as they are all matters that go to the openness of the Green Belt. In quantitative terms the proposal before me would also be shorter by approximately a metre and of less depth. Balanced against this, it would present a greater extent of development at first floor level closer to Burlings Lane and across an evidently wider façade sited more centrally.

17. The replacement scheme would also be a very different and much simpler form and design, appearing as a large chalet bungalow. Although it would have large roof slopes the accommodation within would be served by sensitively designed, proportionate and smaller dormer windows and other openings. With significantly less complexity and bulk in the extent and disposition of built form across the upper floors, it would not appear as visually prominent or dominant in its surroundings. Having regard to all relevant factors, the replacement scheme would cause less harm to the openness of the Green Belt and the character and appearance of the appeal site and area. The weight I give to it is therefore limited.

The PD schemes

18. The Council consider that the schemes detailed are 'possible' because they benefit from certificates of lawful development, the first of which was granted in 2009³ with further approvals in 2018⁴. Having sought their own legal advice the Council accept that the 2 storey front extension scheme has been implemented and I am satisfied it is a material consideration in this appeal.
19. In terms of weight, a considerable length of time has passed since that approval and I note references to the appellants pressing need to secure more living accommodation. In the appellant's own words, the delay is because they are planning on building a '*more suitable compact house more fitting to the location to live in*'. I am also mindful the PD scheme was submitted by a previous owner, no doubt based on their own particular requirements at the time. It is for a markedly different style and layout of accommodation to that before me and whilst I have had regard to the appellant's personal statement⁵, I have some doubts that the PD scheme would be constructed if the appeal were to be dismissed.
20. Further and in any event, in comparing the schemes from the plans provided the PD scheme would appear to be wider, extending into an area of the site free from development and closer to the southern boundary as opposed to being sited more centrally. It would also be of a much simpler form and extend no higher than the existing building. Its roof would also slope away from Burlings Lane and contain a series of proportionate and traditional dormer windows.
21. Such simplicity would appear evidently less bulky and prominent than the excessive conglomeration of gable and hipped projections, sloping roof planes and lines, dormers, chimneys and glazing of the appeal proposal. In some views the PD scheme could well be more visible but overall it would be less conspicuous in its surroundings. Whilst perhaps not substantially so, the PD scheme would cause less harm to the openness of the Green Belt and the

³ 09/00600/LDCPR.

⁴ 18/0097/PAE, 18/01608/LDCPR and 18/03172/LDCPR.

⁵ Submitted at Final Comments stage.

character and appearance of the appeal site and area. This fallback position also carries limited weight.

Other Matters

22. I acknowledge that pre-application advice has been given and that there is a lengthy planning history. However, the Council's administration and determination of the application have no bearing on the planning merits of the appeal before me and I must ultimately form my own view, based on the evidence put before me and my own observations.

Planning balance and conclusion

23. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
24. Viewing the proposal in isolation it would cause harm to the Green Belt by virtue of its inappropriateness and harm to openness to which I give substantial weight. I have also identified harm to the character and appearance of the appeal site and area. In my view, both fallback positions would cause less harm to the openness of the Green Belt and the character and appearance of the appeal site and this rural area. In this particular case, the other considerations do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness, the harm to openness and the harm to character and appearance. Consequently, the very special circumstances necessary to justify the development do not exist.
25. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be taken other than in accordance with the development plan.
26. Having considered all other matters raised, including a letter of representation in support of the proposal, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR