



Appeal Decision

Site visit made on 20 October 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 2 November 2020

Appeal Ref: APP/G2245/D/20/3252692

Oaklands, Hosey Hill, Westerham TN16 1TB

- 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 Toby Stewart against the decision of Sevenoaks District Council.
 - The application Ref 20/00623/HOUSE, dated 1 March 2020, was refused by notice dated 8 April 2020.
 - The development proposed is first floor roof extension.
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Decision

1. I dismiss the appeal.

Main Issues

2. The site is within the Metropolitan Green Belt and the main issues are;
 - Whether the proposal is for inappropriate development in the Green Belt having regard to national and local policy.
 - The effect of the proposal on the character and appearance of Hosey Hill, within the Kent Downs Area of Outstanding Natural Beauty.
 - The weight to be attached to other considerations.
 - The Green Belt and planning balance; whether the harm is clearly outweighed by other considerations, and if so, would this amount to the very special circumstances required to justify the grant of permission.

Reasons

Green Belt

3. Chapter 13 of the 2019 National Planning Policy Framework sets out Green Belt policy, and paragraph 133 states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The five purposes of the Green Belt are set out in paragraph 134. In considering proposals affecting the Green Belt, paragraphs 143 and 144 state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, which will not exist unless the potential harm to the Green Belt by reason of

- inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
4. The list of exceptions in paragraph 145 of the Framework includes at c) that the extension or alteration of a building is not inappropriate development provided it does not result in disproportionate additions over and above the size of the original building.
 5. Policy GB1 of the Allocations and Development Management Plan sets out the requirements for the limited extension to dwellings in the Green Belt, of which criterion a) on lawfulness is met, and criterion b) states that the design is to respond to the original form and appearance of the building and the proposed volume of the extension, taking into consideration any previous extensions, is to be proportionate and subservient to the 'original' dwelling and not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion.
 6. The Policy continues, stating that if the proposal is considered acceptable when considered against criteria a) and b), criterion c) will be assessed and must also be met for the proposal to be considered appropriate. This requires clear evidence that the total floorspace of the proposal, together with any previous extensions, alterations and outbuildings would not result in an increase of more than 50% above the floorspace of the 'original' dwelling (measured externally) including outbuildings within 5m of the existing dwelling.
 7. The Policy wording makes clear that the conversion of loft space that does not add external volume will not be subject to the floorspace allowance, while those that involve the addition of a dormer will be subject to criterion c).
 8. The Council has published the Supplementary Planning Document '*Development in the Green Belt*' which contains at section 5 requirements with regard to residential extensions. This refers back to the wording of Policy GB1 and clarifies requirements. Of note is the statement that the test of impact still applies even if there are limited or no public views, and that whilst development proposals that increase the floorspace of the original dwelling by 50% are likely to be substantial in size, and most likely to increase the impact of the dwelling on the Green Belt, an addition may be considered 'disproportionate' or 'materially larger' as a result of unacceptable design even where it is below a 50% floorspace increase, depending on the other individual circumstances of the site, and what type of development is proposed.
 9. The web-based Planning Practice Guidance states that assessing the impact of a proposal on the openness of the Green Belt requires a judgment based on the circumstances of the case, which may include, but not be limited to the visual impact of the proposal and its volume (Paragraph: 001 Reference ID: 64-001-20190722).
 10. The appellant has drawn attention to the Policy GB1 checklist in the Officer's Report, which in a Householder case is effectively the Appeal Statement. This checklist is ambiguous as criteria b) and c) are checked 'Y' as being complied with, whilst the 'Reason' in each case contradicts that finding, with an overall conclusion of the proposal being inappropriate development. This must be taken as an error, particularly in view of the Reasons for Refusal and the remainder of the Report.

11. The order in which Policy GB1 is structured requires the judgment-based criterion b) to be considered first, and only if that requirement is deemed to have been met is it necessary to consider the numbers.
12. The existing dwelling appears from the front as a bungalow with a steeply pitched symmetrical roof rising from each of the 4 sides to meet at a short ridge across the width, with 2 chimneys on the side pitches projecting a little higher. To the rear has been added a conservatory while there is a flat-topped dormer on the rear roof slope which is contained within the line of the side roofs and sits in from both the eaves and the ridgeline.
13. The proposed additions would retain the side pitches but raised in angle to effectively increase the length of the ridgeline, and the front and rear walls would be raised to leave a short pitch at high level behind which would be an area of flat roof. These additions would therefore add built form and bulk to all 4 pitches of the original dwelling and would subsume the previous dormer within a greater bulk of rear addition. The substantial area of flat roof does suppress the overall height but results in a blocky and bulky form that is not subservient to the original dwelling, materially harming openness through the introduction of built form outside the lines of the original roof on all 4 sides which results in excessive scale and bulk. The design does not accord with criterion b) of Policy GB1.
14. The impact of the proposal on the wider street-scene and the Area of Outstanding Natural Beauty will be considered in the next main issue, but Policy GB1 and national Green Belt policy is not predicated on there being public views, as referred to in the Supplementary Planning Document, and the finding with regard to criterion b) alone results in the conclusion that the proposal is a disproportionate addition, again as referred to in the local Guidance.
15. It is not necessary to consider the detail of the differences of opinion and interpretation over the 50% figure, which concerns the amount of the loft conversion floor area that should be included. Were that to be only lit by rooflights it would not count towards the additions already carried out, leaving more floor area still available to be permitted. The fact that it entailed a projecting dormer appears to have been taken by the Council as meaning that all of the floor area formed should be counted, whereas the appellant argues that only that part that affects openness should feature.
16. There is logic to the appellant's approach which is consistent with the local Guidance statement that alterations to the roof can be made to a building that increase the floorspace without *significantly* affecting the size of the building. That indicates that some affect on size might be allowable. However, the Guidance does say that the conversion of loft space through the addition *only* of roof lights will not be subject to the floorspace allowance.
17. Be that as it may, the 50% 'rule' is not conclusive and in the judgement required in this case, it is concluded that the proposal would be a disproportionate addition over and above the size of the original building and that it would be inappropriate development in the Green Belt.
18. Before consideration of whether very special circumstances exist, it is necessary in accordance with paragraph 144 to identify whether there is any other harm.

Character and Appearance

19. Allocations and Development Management Plan Policy EN1 details design principles including responding to the scale, height and materials of the area, while Core Strategy Policy SP1 requires all new development to be designed to a high quality.
20. The second Reason for Refusal states similar concerns over the scale, bulk, massing and alleges that the design would fail to represent a subservient and proportionate addition, but specifically with regard to the effect on the character of the existing bungalow. The Officer's Report makes clear that there are no adverse effects on the wider street-scene or the Area of Outstanding Natural Beauty and that appears a correct conclusion having mind to the location and topography.
21. The design does not respond to the original attractive form and appearance of the building, introducing unattractive features that overwhelm the lines of the original building, the wide somewhat stunted roofline together with the deep side slopes and vertical front and rear façades would impart an unattractive squat form in replacement for the well-proportioned traditional roof form of the original building. The proposal does not reach the standard of design sought in Policy SP11 or in the Framework where paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
22. It is accepted however that these shortcomings are very localised in their effect, due to topography and the enclosed nature of the site, and it is not possible to identify a lack of accord with Policy EN1 with regard to the surrounding area. As a result, as a matter of harm separate from the Green Belt harm, limited weight attaches to this failing.

Other Considerations

23. The appellant's case is that the proposal is not inappropriate development. But, there would be benefits in providing a better standard of accommodation through an improvement to headroom and the additional bedroom would make better use of land in a sustainable location close to shops and transport. The improvement and upgrading of existing housing stock should carry weight provided it is not accompanied by unwarranted harm.

The Green Belt Balance

24. Paragraph 144 of the Framework requires any other harm to be placed in the balance and states that substantial weight should be given to the Green Belt harm alone, and in addition harm has been identified to the character and appearance of the dwelling, albeit discounted through the topography and location away from clear public views.
25. In the balance it is determined that the harm by reason of being inappropriate development in the Green Belt, and an adverse effect on openness, together with the effect on the original traditional design is not clearly outweighed by other considerations, such that the very special circumstances necessary to allow the appeal do not exist.

Conclusions

26. The proposal is inappropriate development in the Green Belt and there is harm to openness. Although limited in its effect, there is other harm to the character and appearance of the dwelling. There are no other considerations sufficient to clearly outweigh the harm so that very special circumstances have not been shown to exist. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR