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# Appeal Decision

Site visit made on 8 December 2020 by Emma Worby BSc (Hons) MSc

**Decision by Anne Jordan BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 January 2021**

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**Appeal Ref: APP/G2245/D/20/3257521**

**Ridgehill, 110 Top Dartford Road, Hextable DA2 7QD**

- 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 Alain Mbe against the decision of Sevenoaks District Council.
  - The application Ref 20/00881/HOUSE, dated 24 March 2020, was refused by notice dated 9 June 2020.
  - The development proposed is single storey side and rear extensions, a two-storey side extension and the remodelling of the roof.
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## Decision

1. The appeal is dismissed.

## Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal

## Main Issues

3. The main issues in the appeal are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
  - The effect on the openness of the Green Belt;
  - The effect on ecology and protected species; and
  - Would the harm by reason of inappropriateness be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

## Reasons for the Recommendation

*Whether it would be inappropriate development*

4. The appeal site, containing a detached chalet bungalow style dwelling with previous extensions to the side and rear, is situated at the end of a small row of dwellings in a rural location on a spacious site. The proposal includes the demolition of the existing garage and the erection of single storey side and rear extensions, a first floor and two-storey side extension and the remodelling of the roof.

5. Paragraph 145 (c) of the Framework states that extensions are not inappropriate development within the Green Belt if they do not result in disproportionate additions over and above the size of the original building. Policy GB1 of the Sevenoaks District Council Allocations and Development Management Plan (2015) is similarly worded and is consistent with the Framework's approach. There is no definition of disproportionate development within the Framework. Policy GB1 indicates that, for residential extensions to be acceptable, 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.
6. Both the Council and the appellant have agreed that the proposed development along with previous extensions would result in an increase of more than 50% above the floorspace of the original dwelling, exceeding the limitations set out in Policy GB1. Policy GB1 also states that extensions should be proportional and subservient to the original dwelling. The proposed extensions would be substantial in size resulting in a much larger dwelling than at present with a full first floor compared to the minimal first floor accommodation which is currently located in the roof of the existing dwelling. Therefore, the proposed addition would be disproportionate in size, would not comply with the requirements of Policy GB1 and would be inappropriate development within the Green Belt.
7. Therefore, the proposed inappropriate development would be harmful to the Green Belt which, in accordance with paragraph 144 of the Framework, should be given substantial weight.

#### *Openness*

8. The proposed development would create an extended dwelling which is substantially larger than the existing building and therefore would have a significant spatial impact on the openness of the Green Belt due to the increase in floorspace and volume that the building would occupy. This would be particularly evident in relation to the first floor where the existing dormer style accommodation would be replaced by a full upper floor with pitched roof, significantly increasing the visible bulk of the building. In addition, although the dwelling is set back from Top Dartford Road, its location at the end of the row of dwellings and elevated positioning provides some long range views of the appeal site from the west and south. As such, the proposed extension would visually reduce the openness of the Green Belt. Therefore there would be both spatial and visual impact to the openness of the Green Belt from the proposed extension.
9. Substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.

#### *Ecology*

10. An ecology appraisal<sup>1</sup> was undertaken by the appellant after the application was determined and this has been submitted with the appeal. This makes some recommendations to protect existing habitats and biodiversity on the site which

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<sup>1</sup> Preliminary Ecological Appraisal dated 08/06/2020 and Bat Emergence Survey dated 26/07/2020.

could be secured by condition. It is also considered that due to the nature of the site, which is already residential in nature, and the minimal increase in ground floor space to be occupied by the proposed extensions, the impact on ecology and any protected species on the site would not be significant when compared to the existing dwelling.

11. For the reasons above I consider that the proposal would not be harmful to ecology on the site and therefore would be in accordance with Policy SP11 of the Local Development Framework Core Strategy (2011) which requires that biodiversity is conserved and opportunities sought for enhancement to ensure no net loss of biodiversity. It would also accord with ecology requirements of the National Planning Policy Framework.
12. The lack of harm found to ecology on the site carries neutral weight. Therefore, although the submitted Ecological Reports were submitted after the application was refused, and were not before the Council, I have not sought the views of the Council in this case as this matter is not determinative.

#### *Other Considerations*

13. The appellant's statement highlights that extensions to the property could be undertaken under permitted development rights which would cover a larger floor space and volume than the proposed development. However, the proposed first floor and two-storey additions would be larger and more imposing than the single storey extensions in the LDC<sup>2</sup> or that may be permissible under permitted development rights. Therefore, this fallback position is only given moderate weight.
14. The appellant also indicates that the proposed extensions to the dwelling would reduce carbon emissions through the use of photovoltaic cells on the property. However, it is not considered that the proposed development is necessary to achieve lower carbon emissions and that such features could be implemented regardless. Therefore, this is given minimal weight.
15. It has also been highlighted that the proposed development would have little impact on the streetscene and the character and appearance of the area, and the Council have raised no concerns regarding this. Therefore, this lack of harm is given neutral weight. It is also stated that the proposal would upgrade the property and improve internal floorspace. As these improvements could occur without development of the scale proposed, I attribute this matter neutral weight.
16. I take into account the comments of the adjoining occupier, who has expressed concerns in relation to privacy and the appearance of the proposed works. However, these matters would not, in the event, alter my conclusions below.

#### **Green Belt Balance, Conclusion and Recommendation**

17. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore the development in the Green Belt would fail to accord with policy GB1 which seeks to protect the Green Belt, along with the Green Belt objectives of the National Planning Policy Framework.

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<sup>2</sup> Ref 19/02357/LDCPR

18. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

*Emma Worby*

APPEALS PLANNING OFFICER

**Inspector's Decision**

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*Anne Jordan*

INSPECTOR