

Appeal Decision

Site Visit made on 19 January 2021 by Emma Worby BSc (Hons)

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2021

Appeal Ref: APP/G2245/D/20/3260296

5 Hailwood Place, West Kingsdown TN15 6AN

- 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 Hembrough against the decision of Sevenoaks District Council.
 - The application Ref 20/01896/HOUSE, dated 6 July 2020, was refused by notice dated 9 September 2020.
 - The development proposed is a replacement garage and new orangery.
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Decision

1. The part of the appeal that relates to the replacement garage is dismissed.
2. The part of the appeal that relates to the orangery is allowed and planning permission is granted for the new orangery at 5 Hailwood Place, West Kingsdown TN15 6AN, in accordance with the terms of the application Ref 20/01896/HOUSE, dated 6 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: COB/20/1066/01 and COB/20/1066/02 only in so far as they relate to the proposed orangery.
 - 3) The materials to be used in the construction of the external surfaces of the proposed development hereby permitted shall match those used in the existing building.

Appeal Procedure

3. 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.

Applications for costs

4. An application for costs was made by Mr and Mrs Hembrough against Sevenoaks District Council. This application is the subject of a separate Decision.

Preliminary Matters

5. A split decision has been recommended (in accordance with s79(1)(b) of the Town and Country Planning Act 1990 (as amended) allowing only part of the

proposal. This has been done on the basis that the two parts of the proposal are severable.

Main Issues

6. 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; and
- The effect on the character and appearance of the surrounding area and the Area of Outstanding Natural Beauty.

Reasons for the Recommendation

Whether it would be inappropriate development

7. The appeal site is occupied by a two-storey detached dwelling on a large plot with a detached garage to the side. It is located within a relatively new residential cul-de-sac of six large properties and is within the Green Belt and an Area of Outstanding Natural Beauty (AONB). The proposed development is an orangery to the rear of the dwelling and the replacement of the existing garage with a larger garage with a games room and office in the roof space, accessed by an external staircase.
8. Policy GB3 of the Sevenoaks District Council Allocations and Development Management Plan (2015) (the 'ADMP') states that residential outbuildings, within the curtilage of the existing dwelling in the Green Belt, will be treated as an extension under Policy GB1 if the proposed outbuilding would be located within 5m of the existing dwelling. As the proposed garage would be within 5m of the dwelling, Policy GB1 would apply. Therefore, it will be considered against policy GB1 as an extension to the existing dwelling in line with the requirements of Policy GB3.
9. 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. There is no definition of disproportionate development within the Framework however policy GB1 b) says extensions must be proportional and GB1 c) adds 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. The Council's report states that the existing dwelling has a total floorspace of 265m² and the total floorspace of the proposed orangery and replacement garage would be 97m², therefore this would be below an increase of 50%. As a result, the development can be considered to not result in a disproportionate addition. Therefore, the development would fall under the exemption listed in paragraph 145 (c) of the Framework.
10. Policy GB1 b) also requires that extensions do not materially harm openness. However this requirement would not be consistent with paragraph 145 (c) of the Framework which does not need extensions to meet any further criteria to be considered not inappropriate. Therefore policy GB1 is given limited weight in this regard. Consequently, the development is not inappropriate.

Character and Appearance

11. The Council have not raised any concerns regarding the impact of the orangery on the character and appearance of the area and I find no reason to disagree with this finding. This orangery is modest in size and located to the rear of the building where it would have limited views from the public realm.
12. Although the proposed garage would be lower in height than the main dwelling and only 1 metre taller than the existing garage, its width and bulk, especially at roof level, would be considerably greater. It would represent an exceptionally large outbuilding which would be highly visible within the streetscene due to its location adjacent to the main dwelling. It would be a dominant building which would be much larger than the other garages and outbuildings within Hailwood Place. The proposed materials would match the existing building and its domestic design would fit in with the built form of the area, however when seen from the road, its overly large appearance would erode the spacious and semi-rural nature of the site which is considered to positively contribute to the distinctive character of the area and the landscape of the wider AONB.
13. Consequently, the proposed garage would be harmful to the character and appearance of the surrounding area and the AONB and would therefore conflict with Policies EN1 and EN5 of the ADMP. These policies require new development to conserve the character of the landscape with a high quality design and a form which responds to the scale, height and site coverage of the area. The proposed orangery would not harm the character and appearance of the area and the AONB and would comply with these policies.

Conditions

14. With regard to the orangery, in addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provided certainty. A condition requiring the use of materials matching that of the existing building is also necessary to ensure an appropriate appearance for the development.

Conclusion and Recommendation

15. Although the proposed development would not be inappropriate development within the Green Belt, it has been found that the proposed replacement garage would result in harm to the character and appearance of the surrounding area and the AONB in which it is located.
16. Therefore, for the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed in so far as it relates to the replacement garage, but allowed in respect of the orangery.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal in respect of the replacement garage is dismissed, but in respect of the orangery, is allowed subject to conditions.

Andrew Owen

INSPECTOR