



Appeal Decision

Site visit made on 18 May 2021

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th May 2021

Appeal Ref: APP/K2230/W/20/3260160

Sunny Slope, Longfield Avenue, Gravesend, DA3 7LA

- 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 Messrs Mark and Tony Holden and Love against the decision of Gravesend Borough Council.
 - The application Ref 20200332, dated 3 March 2020, was refused by notice dated 20 May 2020.
 - The development proposed is demolition of existing dwelling and construction of x2 detached dwelling houses with associated shared access, parking and amenity areas.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development constitutes inappropriate development in the Green Belt;
 - Its effect on the openness of the Green Belt;
 - Its effect on the character and appearance of the area;
 - Its effect of the living conditions of future occupiers of the proposed dwellings, with particular reference to outlook and daylight;
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposed development constitutes inappropriate development

3. The appeal site comprises a detached bungalow located within a large, well screened plot. There is also a single storey stable block adjacent to the eastern boundary of the site. The site is accessed via an unmade track which also provides access to a number of other dwellings. These dwellings are mixed in character and appearance and comprise of single storey, chalet style and two storey detached dwellings. The character of the area is semi-rural with stables,

fields, trees and woods lying to the south of the site and open fields to the north.

4. Policy CS02 of the Gravesham Local Plan Core Strategy (2014) (CS) states that outside rural settlements, inset from the Green Belt and as defined on the Policies Map, development will be supported where it is compatible with national policies for protecting the Green Belt and other policies in the plan. The policy is therefore broadly consistent with the National Planning Policy Framework (the Framework). Policy C12 of the Gravesham Local Plan (1994) (LP) provides for the replacement of existing dwellings in the countryside subject to a list of criteria.
5. The National Planning Policy Framework (2019) (the Framework) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. This is subject to the exceptions listed in the Framework at paragraph 145 which includes '*the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.*'
6. The appeal proposal is to replace an existing dwelling with two dwellings. In providing for two dwellings, it would fail comply with the exception set out in paragraph 145 (d) of the Framework. The proposal would therefore be inappropriate development, which by definition would be harmful to the Green Belt. As defined by the Framework, substantial weight should be given to that harm. The proposal would also conflict with Policy CS02 of the CS in this regard. Furthermore, the proposal would conflict with Policy C12 of the LP which does not provide for the replacement of an existing dwelling with two dwellings.

Openness

7. As I have found the development to be inappropriate, it is necessary for me to also have regard to the effect of the proposal on the openness of the Green Belt.
8. Paragraph 133 of the Framework states that 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.
9. The proposed new dwellings would be sited in a similar part of the site as the existing dwelling to be demolished. They would however, be more spread across the width of the site and as such closer to the side boundaries although their depth would be less than that of the existing dwelling. The proposed dwellings would also be significantly higher than the existing dwelling on the site and, with each comprising of a basement, ground and first floor, would contain significantly more floorspace overall.
10. In addition, the replacement of a single dwelling with two dwellings would lead to a greater intensity of development resulting in significantly more activity on and around the site together with an additional boundary division. The increase in dwelling numbers would also be likely to result in increased pressure for outbuildings and other domestic paraphernalia, whether or not permitted development rights were to be removed. I acknowledge that space would be provided within the basements for storage of some items, however, I consider

there would still be pressure in the future for further outbuildings for ground maintenance equipment and garaging etc. In my view, the combination of these factors would result in an erosion of the open and spacious character of the land, both visually and spatially.

11. I acknowledge that the removal of the stable block along the side boundary would be of some benefit in terms of improving spaciousness but overall, I conclude that the proposal would have some, albeit limited, impact on openness. I assign moderate weight to this further harm to the Green Belt.

Character and appearance

12. Policy CS19 of the CS seeks, among other things, to ensure that new development is visually attractive and locally distinctive. The surrounding area comprises of a mix of single storey, chalet style and two storey dwellings. Indeed, the adjacent dwelling, Highfield, is two storey in height.
13. The proposed dwellings would include accommodation at first floor level, within the roof space. The design and appearance of the dwellings would not appear out of keeping with the various architectural styles and form of development displayed in the locality.
14. However, whilst the overall plot sizes would be commensurate with those in the surrounding area, the lack of space between the two proposed dwellings would be at odds with the spatial characteristics of the area particularly along this end of the Longfield Avenue which has a more informal, semi-rural character. Furthermore, the intensification in the number of dwellings on the site and resultant likely increased pressure for outbuildings and domestic paraphernalia would also be likely to erode the rural landscape character.
15. This leads me to conclude that the proposed dwellings would have a harmful effect on the character and appearance of the surrounding area. Thus, the proposal would conflict with Policies CS12 and CS19 of the CS which together require that new development is in keeping with the character and appearance of its surroundings and does not harm landscape character.

Living conditions

16. The Council raise concern that the proposed arrangement of high level windows in bedroom 2 of both properties would result in insufficient levels of outlook for future occupiers of these rooms. Whilst I concur with the views of the Council in this regard, this is a matter that could have been dealt with by condition in the event that I was minded to allow the appeal.
17. With regard to Plot 2, the proposed lightwell to bedroom 4 within the basement would be very limited in size and accordingly would result in a poor outlook for future occupiers of the room. Furthermore, the amount of natural light received by the window serving bedroom 4 would also be limited. I therefore conclude that the scheme before me would have a harmful effect on the living conditions of the future occupiers, with reference to outlook and daylight. This would be contrary to Policy CS19 of the CS and paragraph 127 (f) of the Framework which seek a high standard of amenity for existing and future users.

Other considerations

18. I have been referred to an appeal decision¹ on the same site for a replacement dwelling. In allowing the appeal, the Inspector had regard to a Certificate of Lawful Use of a Proposed Use or Development (CLOPUD) which was granted for alterations and extension to the existing bungalow. Other than figures for the footprint, volume and height, I have not been provided with any further details of the CLOPUD scheme. Notwithstanding this, possible extensions to the existing single dwelling would not be a viable fall-back position for the current scheme for two dwellings.
19. I have however, taken into account the detailed comparisons provided between the current proposal and the replacement dwelling allowed on appeal. In particular, I have noted the similarities in terms of siting, spread of development and height, and that current appeal proposal would represent a slight reduction in footprint and volume and would be excavated deeper into the ground. However, there would be a significant increase in floorspace across the site and as I have already concluded, the proposal for two houses would lead to a greater intensity of development, further boundary division and likely increased pressure for outbuildings and other domestic paraphernalia. In my view, the current proposal would have a greater impact on the open and undeveloped character of the Green Belt than the previously approved scheme for a single dwelling.
20. I have also had regard to the suggestion that the two families could live together in the consented dwelling and that this should be considered as a further fall-back position. Whilst this may be the case, the families would be living as a single household which in my view would not be a fall-back position for the creation of two independent dwellings.
21. The main parties acknowledge that the Council cannot demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 73 of the Framework. As such, the relevant policies for the supply of housing should not be considered to be up-to-date and paragraph 11 should therefore be applied. However, I have applied the policies of the Framework that protect areas or assets of particular importance and found that they provide a clear reason for refusing the development proposed.

Planning Balance and Conclusion

22. Inappropriate development is by definition harmful to the Green Belt, and I have given substantial weight to this and moderate weight to the harm to openness I have identified. Furthermore, the proposal would also have a harmful effect on the character and appearance of the area and on the living conditions of future occupiers.
23. For the reasons given, the other considerations are not sufficient to clearly outweigh the substantial weight that must be given to any harm to the Green Belt. Therefore, the very special circumstances needed to justify the proposal do not exist. As such the proposal would conflict with the Framework and Policies CS02, CS12 and CS19 of the CS and Policy C12 of the LP.

¹ Appeal Ref. APP/K2230/W/19/3225211

24. I therefore conclude that the appeal should be dismissed.

J Davis

INSPECTOR