



Appeal Decision

Site visit made on 31 March 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2022

Appeal Ref: APP/K2230/D/21/3275542

Walnut Hill Lodge, Walnut Hill Road, Gravesend DA13 9HL

- 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 Darren Jarvis against the decision of Gravesend Borough Council.
 - The application Ref 20210258, dated 26 February 2021, was refused by notice dated 26 April 2021.
 - The development proposed is the erection of single storey rear and first floor rear dormer extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension and first floor rear dormer extension at Walnut Hill Lodge, Walnut Hill Road, Gravesend DA13 9HL in accordance with the terms of the application, Ref 20210258, dated 26 February 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: WHL-A 001 A, WHL-A 002 A, WHL-A 003 A, WHL-A 004 A, and WHL-A 005 A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing house, as shown on the approved plan WHL-A 005 A.

Preliminary Matter

2. The Council's officer report sets out the planning history of the appeal site. I have been provided with plans, decision notices and application forms relating to the planning history since 1997. Taking all of the information into account, the appeal building was constructed as a replacement dwelling, as described in the decision notice for planning permission 20000770, which was granted retrospectively in 2001.

Main Issues

3. The main issues are: i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; ii) the effect of the proposal on the character and appearance of the area; and iii) if the proposal would constitute inappropriate development, whether the harm

by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to allow the appeal.

Reasons

Whether Inappropriate

4. Paragraph 147 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework advises that the construction of new buildings should be regarded as inappropriate in the Green Belt, but exceptions include 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'.
5. Policy CS02 of the Gravesham Local Plan Core Strategy (2014) (CS) sets out that development will be supported where it is compatible with national policies for protecting the Green Belt. Both of the main parties have mentioned saved Policy C13 of the Gravesham Local Plan (1994) (LP) in their representations, although it has not been referred to within the Council's decision notice.
6. Policy C13 pre-dates the Framework and, amongst other things, it seeks to limit extensions to dwellings generally to one third of the gross floor area of the original dwelling and requires extensions to be appropriate to the Green Belt setting. Paragraph 219 of the Framework advises that due weight should be given to policies adopted prior to the publication of the Framework, according to their degree of consistency with the Framework. Policy C13 is broadly inconsistent with the Framework, but I note its aims include the protection of the Green Belt from inappropriate development, which is consistent. Overall, due to the inconsistencies with the Framework, I afford Policy C13 reduced weight.
7. The Council's representations identify 'the original building' as the former dwelling which existed prior to planning permission being granted for extensions to that building in 1997. However, retrospective planning permission 20000770 was granted by the Council in 2001, authorising a new dwelling. The appeal building is therefore a replacement dwelling.
8. The Glossary to the Framework clarifies that the original building comprises 'a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally'. Based on the information before me, as a replacement dwelling, the appeal building was built originally as shown on the approved plans forming part of planning permission 20000770.
9. The appellant has claimed that the appeal building has not been extended since its original construction, but I note deviations from the plans approved as part of 20000770, specifically the existing utility room at ground floor level and the size of the existing rear dormer. No information has been presented to clarify whether these formed part of the appeal building's original construction but based on the planning history for the appeal site, and the reference to planning permission 20000770 being granted retrospectively, it appears the utility room and larger rear dormer were extensions made after its original construction.
10. The proposed extensions at ground and first floor levels on the rear elevation of the appeal dwelling would be minor additions to the large replacement dwelling

authorised by planning permission 20000770. The Council has suggested the proposed extensions would result in a 158% increase in floorspace over and above the original building, but that would be in comparison to the former building, rather than the replacement dwelling as it was built originally. No figures have been presented in relation to the size of the replacement dwelling as it was built originally, but I have seen the floor plans and elevations granted retrospective planning permission as a new dwelling, which I have compared to the existing and proposed plans forming part of the appeal.

11. The proposed extensions, along with what appear to be the previous extensions of the utility room and rear dormer, would be minor in comparison to the original building. Based on the information provided, they would appear to comprise less than the one third of the gross floor area of the original building which the Council's officer report suggests would be acceptable. They would be modest in size and proportionate in comparison to the size of the replacement dwelling authorised by planning permission 20000770.
12. The proposed development would not, therefore, result in disproportionate additions over and above the size of the original building and would not constitute inappropriate development in the Green Belt, with regard to Paragraph 149(c) of the Framework. The proposal would accord with Policy CS02 of the CS and Policy C13 of the LP, so far as it is consistent with the Framework, and there is no requirement for me to assess the impact of the proposal on the openness of the Green Belt or to consider whether very special circumstances exist to justify the development.

Character and Appearance

13. The appeal site is a large spacious plot located on a tree lined rural lane, with an extensive garden, driveway and large detached garage in front of the house. Properties such as this are a characteristic of the secluded setting. The proposed extensions would be confined to the rear elevation of the appeal building, and face towards the eastern side boundary of the plot which is made up of thick planting. This area comprises a large patio which is enclosed by the garage and a wall to the north, at the front of the plot.
14. An existing dormer occupies the majority of the rear roof slope, which would be extended at one end to create a full width dormer. The proposed ground floor rear extension would also cover the full width of the rear elevation, with a sloping roof and a depth of 2.9m. The proposed dormer extension would therefore comprise a very small addition to the existing dormer and the proposed ground floor rear extension would be a modest addition to the large house.
15. The proposed extensions would increase the bulk of the appeal building, which would be seen from the front of the site, but views from outside the appeal site would be limited. Those limited views would offer glimpses of the northern elevation of the proposed extensions, but in comparison to the current size and appearance of the appeal building, the increase in bulk would be small and the proposed extensions would not be seen as dominant additions. They would respect the existing size and style of the appeal building and would be sympathetic to its surroundings.
16. The proposed extensions would therefore have little effect on the character and appearance of the area and would not cause any harm in this regard, in

accordance with Policy CS19 of the CS. This policy requires, amongst other things, new development to integrate well with the surrounding area and to take account of the scale of buildings and the wider site context.

Conditions

17. It is necessary to attach a condition requiring development to commence within the relevant timeframe. It would also be reasonable and necessary to attach conditions specifying the approved plans and requiring the external surfaces of the proposed extensions to match those of the existing house, as shown on those plans, in the interests of clarity and to ensure the development would appropriately blend with the existing building.

Conclusion

18. There are no material considerations, including the Framework, that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

L Douglas

INSPECTOR