



Appeal Decision

Site visit made on 23 August 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2022

Appeal Ref: APP/K2230/D/21/3286550

Valley View, Wrangling Lane, Luddesdown DA13 0XF

- 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 Dr Shirin Lakhani against the decision of Gravesham Borough Council.
 - The application Ref 20211069, dated 25 August 2021, was refused by notice dated 22 October 2021.
 - The development proposed is described as 'Construction of 2no. dormer windows to the front (south-east) elevation, carrying out of hip-to-gable roof extensions to the south-west and north-east elevations and associated alterations to these elevations, enlargement of the existing basement area (and provision of new windows) and existing ground floor terrace on the south-east side of the dwelling together with associated internal alterations to the dwelling.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. There is dispute between the parties regarding the description of development. The description given in the banner heading above is taken from the planning application form, as this accurately describes the proposal.

Main Issues

3. The main issues are:
 - i) Whether the development is 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 on the openness of the Green Belt;
 - iii) The effect of the development on the character and appearance of the area including the Kent Downs Area of Outstanding Natural Beauty (AONB), and;
 - iv) 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 development.

Reasons

Whether Inappropriate Development

4. The Framework in paragraph 137 identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate development, but lists exceptions in paragraph 149. One such exception, at paragraph 149c), is 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. Saved Policy C13 of the GLPFR¹ contains the Council's policy for extensions to dwellings in the countryside. The supporting text clarifies that this policy seeks, among other things, to maintain the open character of the Green Belt. Part ii) states there will be an overall limit of one third of the gross floor area of the original dwelling prior to any later extension or alteration, unless the increased floorspace has no overall effect on the existing bulk and appearance of the dwelling.
6. The appellant accepts that the property has been extended beyond the limit set out in saved Policy C13 and I find that the proposed development would have an overall effect on the existing bulk and appearance of the dwelling, including at the basement level where new windows are proposed. The Council report that, together with earlier additions, the works would entail a 140% uplift from the original internal floor area and a 98% uplift in footprint. Those figures have not been disputed by the appellant and, even if saved Policy C13 were considered to be out of date, the uplifts from the original would be substantial.
7. Based on the descriptions listed within the planning history, extensions and alterations to the building have included conversion of the roofspace with dormers, a two storey rear extension, and a nearby outbuilding. Together with the floorspace and footprint uplifts, I find that the overall increase in the size of the original building resulting from the works would be significant. Consequently the appeal scheme would result in disproportionate additions over and above the size of the original building. Thus, it would be inappropriate development.
8. The proposed development would conflict with saved Policy C13 of the GLPFR and Policy CS02 of the CS² insofar as it supports development where it is compatible with national policies for protecting the Green Belt.

Openness

9. The openness of the Green Belt has a spatial as well as a visual aspect. The appeal site is in a secluded location and the openness of the wider area is established by the dispersed pattern of development and the predominance of open fields, woodland and vegetation.
10. The appeal site is surrounded by mature trees and woodland, which extend across the appeal site. While the property is on raised ground on the valley

¹ The Gravesham Local Plan First Review: Saved and Deleted Policies Version 2014

² The Gravesham Local Plan Core Strategy 2014

side, the alterations to the property would experience little visibility from the surrounding area, including from Wrangling Lane. As a result of these factors the visual impact of the proposed development on the openness of the Green Belt would be limited.

11. In spatial terms, the appeal scheme would increase the bulk and volume of the roof forms through the introduction of two substantial gable features and new larger dormer windows to the southeast facing roof slope. The proposed basement extension would also add to the bulk of the property and its spread on the land. In combination these factors would result in a reduction in openness of the Green Belt in spatial terms. It would also result in a degree of encroachment in the countryside, in conflict with the purposes of including land within the Green Belt as set out in paragraph 138 of the Framework.
12. However, I acknowledge there are multiple dormer windows and varied roof forms across the existing property which give bulk to the first floor level. Taken in combination with the locational context of the appeal site and the scale of the works proposed relative to the existing, I find that the degree of harm to the openness of the Green Belt, and the purposes of including land within the Green Belt, is moderate.

Character and Appearance

13. The appeal site occupies an extensive area which includes a pond and paddock on the lowest ground closest to Wrangling Lane. The property of Valley View and two existing outbuildings sit towards the back of the site where the ground rises steeply, resulting in the property being nestled into the hillside. The site is peppered with mature trees and landscaping and is bound by dense woodland to the north, south, and west, which form an integral part of its verdant and rural character. The site lies within the Kent Downs AONB, and the Luddesdown Downs Landscape Character Area as defined by the Gravesham Landscape Character Assessment 2009. This identifies, among other things, that development proposals should maintain the character of sparse and distinctive built development.
14. As a result of its remote location and the mature landscaping on and around the site, the property experiences very limited visibility from surrounding public or private view points. Some glimpses of the property are possible from the point of access on Wrangling Lane, but this is heavily restricted by substantial laurel hedging. I have no substantive evidence before me to suggest that the property is visible in any far reaching views.
15. The proposed alterations would undoubtedly alter the character and appearance of the property, particularly through increasing the bulk and prominence of the first floor level, and emphasising the existence of a basement through the installation of windows. The amended window designs, larger dormer windows and glazed balustrade would give a more modern appearance. However, I do not find that this would result in the appearance of the property becoming unbalanced, particularly as the first floor would still remain within the roofslopes. As the building is already pale in colour I do not find the change of the colour would cause harm, and while the extent of glazing would increase it would not dominate the elevations of the property. As this is a standalone building in a remote location, the alterations would not result in the property appearing incongruous with its surroundings. Furthermore, and in

any event, the wider visibility of the proposed alterations would be extremely limited.

16. While the proposed flue would be incongruous to some degree with the domestic appearance of the property, its profile would be slim and it would be set partially behind one of the dormer windows. As suggested by the parties, if the appeal scheme were otherwise acceptable, a dark and matt finish could be secured by condition to reduce its visual impact. Given these factors and the limited visibility as already described, I do not consider this element would cause visual harm.
17. For these reasons the proposal would not cause harm to the character or appearance of the area, but would preserve those attributes which contribute positively to the special landscape character of the AONB and the Luddesdown Down Landscape Character Area. The appeal scheme would comply with Policies CS12 and CS19 of the CS which require development to be visually attractive and to conserve landscape character. Insofar as this main issue is concerned, it would meet the aims of saved Policy C13 of the GLPFR insofar as it requires the appearance, massing, scale, form and materials to be appropriate to the dwelling and setting. I do not find conflict with the aims of the Householder Extensions/ Alterations Design Supplementary Planning Document 2021, nor the design objectives of the Framework.

Other Considerations

18. Harm has been found to the Green Belt through being inappropriate development and through a reduction in openness in spatial terms. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances 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.
19. The roof level alterations would improve the ceiling heights within two of the existing bedrooms, which are heavily constrained by the existing roofslopes. While this would make a notable improvement to the conditions in those bedrooms this is, nonetheless, a private benefit to the appellant rather than a public one. Furthermore, there may be other solutions available to achieve this benefit and I afford this limited weight.
20. The appellant considers the proposal would represent an enhancement to the building and its setting. While this is the view of the appellant, I have no substantive evidence to suggest that the existing building is of a design or appearance which causes harm to its setting, nor is it in a dilapidated state. As such I afford limited weight to the benefit of the new appearance. While I have not found harm to the character and appearance of the area, this is a neutral matter that does not weigh in favour of the development.
21. A lawful development certificate was granted for the erection of a garden room/gym to be positioned to the north-west of the house³ and the appellant states this would have a greater impact on openness, and introduce a greater built footprint on the site compared to the appeal scheme. Limited details of this alternative scheme have been submitted, including any details of the

³ Reference 20210707

appellant's intent to carry out those works. Based on the evidence, I am not satisfied that there is a real prospect of the outbuilding otherwise being implemented or that this would have similar or worse effects than the appeal scheme. For these reasons I afford this limited weight as a fall back position.

22. There has also been planning permission granted previously for the insertion of windows in the basement level⁴. Even if that permission remained extant, the windows were part of a scheme of works which would appear to be materially different to the current appeal scheme which includes the extension of the basement area. As such I am unable to give this consideration more than minimal weight.
23. The appellant has drawn my attention to an appeal decision relating to an extension in the Green Belt on a site elsewhere within Gravesham Borough⁵. I note that the Inspector found very special circumstances to exist in that case, arising from matters including visual enhancements and the removal of dilapidated structures which improved openness. I therefore find the circumstances of that appeal to be materially different to that before me.
24. While the appellant would accept a condition preventing the future use of permitted development rights for outbuildings, this would be unlikely to meet the test of reasonableness as confirmed by the Planning Practice Guidance. The absence of harm in respect of other issues considered by the Council, including highways matters, are neutral matters.

Conclusion

25. Overall, the weight of other considerations in this instance would not be sufficient to clearly outweigh the harm to the Green Belt, which I am required to give substantial weight. Consequently, the very special circumstances necessary to justify the development do not exist.
26. For the reasons set out above, the proposal would conflict with the development plan and the Framework. There are no material considerations that would indicate a decision other than in accordance with it and the appeal is therefore dismissed.

C Shearing

INSPECTOR

⁴ Ref 20030379

⁵ APP/K2230/W/17/3179791