



Appeal Decision

Site visit made on 12 October 2022

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2022

Appeal Ref: APP/K2230/D/21/3283741

Old Pond House, Dean Lane, Harvel DA13 0DB

- 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 Mrs Hilary Hinde against the decision of Gravesham Borough Council.
 - The application Ref 20210882, dated 12 July 2021, was refused by notice dated 8 September 2021.
 - The development proposed is demolition of existing garage and erection of residential annex ancillary to the main dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage and erection of residential annex ancillary to the main dwelling at Old Pond House, Dean Lane, Harvel DA13 0DB in accordance with the terms of the application, Ref 20210882, dated 12 July 2021, 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:
 - 21-22-01A - location plan
 - 21-22-02A - existing site block plan and roof plan
 - 21-22-03A - proposed site block and roof plan
 - 21-22-04 - existing elevations
 - 21-22-05 - existing and proposed plans
 - 21-22-06 - proposed elevations
 - 3) No development shall commence until details/samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details/samples.

Preliminary matters

2. The Council's decision notice refers to the application property as Old Pond Farm. The application form refers to it as Old Pond House. I have used the address given on the application form in the heading to this decision.

3. The decision of the High Court in the case of *Warwick District Council v Secretary of State*¹ was issued after the appeal had been submitted. This decision is pertinent to the appeal because it considers the interpretation of paragraph 149(c) of the National Planning Policy Framework (the Framework). Paragraph 149 lists certain exceptions to the general proposition that the construction of new buildings in the Green Belt will be inappropriate. One such exception, at paragraph 149(c), 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;"

The Council and the appellant were given the opportunity to comment on the *Warwick* decision.

Main issues

4. The main issues are:
- whether the proposal would be inappropriate development in the Green Belt; and
 - the effect of the proposal on the historic environment, including on Old Pond House, which is a Grade II listed building, and on the Harvel, Meopham Conservation Area.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

5. Old Pond House is a substantial detached dwelling standing within a large plot. There are various outbuildings in the vicinity of the main house, including the garage/workshop that would be demolished to make way for the proposed residential annex.
6. Policy C13 of the Gravesham Local Plan First Review (Saved Policies) (GLP) sets out various criteria for extensions to dwellings in the countryside, including an overall limit of one third of the gross floor area of the original dwelling. The proposed annex would be in a similar location to the existing garage/workshop but would include some floorspace at first floor level, contained within the proposed roof structure. The Council calculates that the increase in floor area, as compared with the existing garage/workshop, would exceed one third. Having regard also to the increased height of the structure, the Council argues that this would represent a "*disproportionate addition*", as that term is used in paragraph 149(c) of the Framework.
7. The *Warwick* judgment found that paragraph 149(c) is not confined to physically attached structures. For the purposes of this provision, "*extension*" can include physically detached structures. In this case, the garage/workshop to be demolished is a detached structure, reached by a driveway that passes around the end of Old Pond House. The front of the garage is around 8m from the back wall of the closest part of the main house. In the context of this extensive property, it has the appearance of an ancillary building that is closely associated with the main house. Its previous use as a garage/workshop was ancillary to the main house.

¹ *Warwick DC v SSLUHC* [2022] EWHC 2145 (Admin)

8. The proposal is intended to add to the accommodation of the main house by providing an annex with an accessible bedroom at ground floor level, together with a bedroom in the roof space where a carer or family member could stay. It would therefore be part of the residential occupation of the main house. Having regard to this purpose, together with the physical proximity to the main house and the shared access arrangements, I consider that it should be regarded as an extension for the purposes of paragraph 149(c). It is therefore relevant to consider the increase in floor area having regard to the whole of the original building. Looked at in that way, the appellant's calculation shows that the increase would be well below the one third cited by the Council. I have no reason to doubt the calculation that has been provided.
9. The Framework does not define "*disproportionate addition*". Moreover, Policy C13 is a countryside policy rather than a Green Belt policy. Thus, while the mathematical calculation is a material consideration, it is also necessary to look at this issue in the round. The proposal would have a slightly smaller footprint than the building it would replace, although the ridge height would increase from 3.8m to 5.5m. The proposed building would have a simple rectangular form with a pitched roof. Like the building it would replace, it would have the character and appearance of an outbuilding that is subservient to the main dwelling.
10. My overall assessment is that the proposal should be regarded as a detached extension to Old Pond House. It would not represent a disproportionate addition. Consequently, it would not amount to inappropriate development in the Green Belt. It would accord with GLP Policy C13. It would also be consistent with Policies CS01 and CS02 of the Council's Core Strategy (CS) which state that national policies for protecting the Green Belt will be applied within Gravesham.

Historic environment

11. The listing description records that Old Pond House, (formerly listed as Old Pond Farm House), is a 15th century hall house with plaster panels, curved braces and a hipped thatched roof. It has considerable historic and architectural interest as a well preserved example of that building type. The Harvel Rural Conservation Area Appraisal (CAA) states that the area is characterised by small scale views, enclosure and a low density of development. It goes on to say that Harvel's most important man-made features are the green and pond and its three surviving traditional farmhouses.
12. The appeal property is one of these farmhouses. The CAA notes that the former farm buildings have been removed. I saw that, whilst the house itself appears to have survived intact, there is little to indicate its former role as a farmhouse. It is in a largely self-contained plot, enclosed by trees and vegetation. The garage/workshop is a timber clad structure. No party has suggested that its removal would result in a harmful loss of historic fabric.
13. The house has been extended to the east of the historic core. There is also a considerable amount of mature planting between the historic core and the existing garage/workshop. Both the eastwards extension and the garage/workshop are set at a lower level than the historic core. Consequently, there is very limited inter-visibility between the historic core and the garage/workshop. As one moves around the site, the workshop is seen as a minor ancillary structure in a secluded location, set aside from the main house.

14. The proposal has been designed as a simple traditional building form, clad in weatherboarding with a tile roof. Although taller than the existing building, it would still be seen as a minor ancillary structure. There would still be limited inter-visibility between the historic core and the proposed building. To the extent that the tiled roof could be glimpsed, this would not be harmful. To my mind there would be no impact on the ability to experience the listed building. The setting of the listed building would be preserved and there would be no harm to its significance.
15. The proposal would not be widely visible within the wider conservation area although it would be seen from the adjoining property, the Oast House. For the reasons discussed above, I do not think that there would be any harm to the character and appearance of the conservation area. The character and appearance of the conservation area would be preserved.
16. I conclude that the proposal would accord with CS Policy CS20 which seeks to protect designated heritage assets and the historic environment in general.

Other matters

17. Neighbouring residents have raised concerns that the proposed annex could be rented out as a separate dwelling. However, that would amount to a material change of use for which separate planning permission would be required. Concerns have also been expressed regarding loss of trees. Two relatively small trees would need to be removed to facilitate the proposed development. This would have no material impact on the verdant character of the property, which has many much larger trees that would be unaffected.

Conditions

18. The Council has suggested conditions which I have considered in the light of Planning Practice Guidance. A condition requiring development to be in accordance with the plans is needed in the interests of clarity and certainty. Although a general indication of materials has been provided in the application documents, it is necessary to require submission of details and/or samples in the interests of the character and appearance of the conservation area. This is a pre-commencement condition because it involves design details that would need to be settled at an early stage.
19. The Council has suggested a condition requiring that use of the annex should be ancillary to the main dwelling. However, the suggested condition is not necessary because the creation of a separate unit of residential accommodation would be a material change of use requiring planning permission in any event.

Conclusion

20. The proposal would be in accordance with the development plan. There are no considerations that indicate a decision other than in accordance with the plan. Accordingly, the appeal should be allowed.

David Prentis

Inspector