



Appeal Decision

Site visit made on 20 September 2022 by Thomas Courtney BA(Hons) MA

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2022

Appeal Ref: APP/G2245/D/21/3284548

2 Fort Road, Halstead TN14 7BW

- 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 Jess Stroud against the decision of Sevenoaks District Council.
 - The application Ref 21/01991/HOUSE, dated 21 June 2021, was refused by notice dated 1 September 2021.
 - The development proposed is a two-storey side extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. 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.

Main Issues

3. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether the development would be inappropriate development

4. The appeal property comprises a semi-detached dwelling situated on Fort Road in an established residential area within the Green Belt. The property features a hipped roof and an existing single storey rear extension.
 5. Paragraph 149 of the Framework states that new development is inappropriate in the Green Belt unless it falls within the given list of exceptions. Under exception (c) the extension or alteration of a building would not be
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inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. Policy GB1 of the *Allocations and Development Management Plan 2015* (the 'Local Plan') is consistent with this in that it states that an extension will be permitted if the design and proposed volume, taking into account any previous extensions, is proportional and subservient to the original dwelling. It also states that the total floorspace of proposed extensions should not result in an increase of more than 50% above the floorspace of the original dwelling.

6. The officer report states that the original building had a floor area of 85 square metres (sqm). Taking the current proposal together with previous additions, the Council states there would be a cumulative increase in floorspace of approximately 67.3% above the floorspace of the original building thus exceeding their 50% increase limit. This figure does not appear to be disputed by the appellant.
7. Turning to national guidance on measuring 'proportionality', the NPPF refers to 'size'. This can, in my view, refer to volume, height, external dimensions, footprint, floorspace or visual perception. In this case, a cumulative increase in floorspace of 67.3% would be significant. Whilst the appellant contends the extension would be proportionate and would only occupy a small proportion of the overall plot, the increase in footprint, built form, roofscape and volume of the dwelling would result in greater visual bulk. I therefore find that the scale of the extension, viewed together with previous additions, would subsume the original dwelling and would be disproportionate.
8. On this basis, the proposal would be inappropriate development in the Green Belt and would conflict with Paragraph 149(c) of the Framework, as detailed above, and Policy GB1 of the Local Plan which together seek to resist inappropriate development in the Green Belt.

Openness

9. Openness is identified in the Framework as one of the Green Belt's essential characteristics. It has a spatial aspect as well as a visual aspect. The additional bulk and volume as a result of the increase in width would materially impact on openness in a spatial aspect resulting in some limited harm to the Green Belt. Furthermore, the increase in footprint, bulk and volume means the proposal would also have a greater visual impact on the openness of the Green Belt. It would also feature prominently in the streetscene and would be easily visible to adjacent occupiers and pedestrians on Fort Road.
10. For these reasons, the proposed development would result in an adverse impact on both the spatial and visual openness of the Green Belt resulting in limited harm to the Green Belt.

Other considerations

11. The Framework highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, with substantial weight given to any harm to the Green Belt. 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.

12. The appellant opines that the proposal would not harm the character of the dwelling or area and would not negatively impact the Kent Downs and High Weald Areas of Outstanding Natural Beauty (AONB) or the living conditions of neighbouring occupiers. They also state the development would adhere to Policies EN1, EN2 and EN5 of the Local Plan and Policy SP1 of the Core Strategy. The proposal's compliance with standard housing, design and amenity policies as well as policies relating to the AONB is not the issue at hand as the refusal relates to the development's conflict with local and national Green Belt policy. All proposals would be expected to comply with relevant development plan policy and an absence of harm in this regard does not lend positive or negative weight to the proposal.
13. I have also had regard to the other developments referred to by the appellant. I recognise that a number of properties in the surrounding area also feature alterations and extensions, such as at Nos 13 and 38 Fort Road. The side extension at No.13 Fort Road is not comparable to the appeal scheme as it is lower in height and is recessed from the original front elevation. Furthermore, the extension at No.38 was erected on existing built form and represented a smaller degree of uplift in floorspace than the proposal. Therefore, it is not clear that those schemes are comparable to the scheme before me. These considerations therefore do not lend any significant weight in support of the proposal.
14. My attention has also been drawn to a development allowed at appeal in September 2021 and located approximately 5.4 km to the west of the appeal site (*Appeal Reference: APP/G5180/D/21/3272033*). However, I have not been provided with the full details and background to this case and cannot conclude that the circumstances are directly comparable. Judgements relating to whether an extension is proportionate and the effect on openness will inevitably require a site-specific judgement, having regard to the nature of the existing dwelling, its design and context. The fact that an appeal was allowed in a different context some distance away from the site does not lead me to alter my conclusion in this case.
15. The appellant states that the current proposal would have been approved had it been built prior to the single storey rear extension erected under the provisions of the *General Permitted Development Order 2015* (GPDO). However, this is a speculative statement that has not had a bearing on my decision.
16. Although the appellant opines that the proposal would allow for more living space and the creation of two new bedrooms, I have attached only limited weight to this consideration as there is no evidence to suggest that alterations to accommodate these needs could not be achieved without the extent and scale of development as proposed. Moreover, the existing dwelling provides a comfortable level of accommodation and personal needs for more space do not outweigh the requirement to meet relevant development plan policies in this case.

Planning Balance and Overall Conclusion

17. The development causes harm to the Green Belt by way of its inappropriateness and limited harm to its openness, and substantial weight must be given cumulatively to this harm. On balance, the very limited weight attributed to the other considerations in this case does not clearly outweigh the

harm I have identified. I conclude therefore there are no very special circumstances to justify the development.

Recommendation

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR