



Appeal Decision

Site visit made on 11 October 2022 by C Glaister

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th November 2022

Appeal Ref: APP/U2235/D/22/3290842

The Three Pines, Gibbs Hill, Nettlestead, Maidstone ME18 5HS

- 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 Alex Pinfold against the decision of Maidstone Borough Council.
 - The application Ref 21/504750/FULL, dated 25 August 2021, was refused by notice dated 1 November 2021.
 - The development proposed is described as "Demolition of existing garage and outbuildings; extensions to front, rear and side of existing building; replacement of existing roof and windows; internal alterations".
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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 proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (2021) (the Framework);
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the host dwelling, and the surrounding area; and
 - if the proposal would be 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 justify it.

Reasons for the Recommendation

Whether Inappropriate Development

4. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 states that the construction of new

buildings should be regarded as inappropriate in the Green Belt, with the exception of, among other things, 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 Framework defines the 'original building' as the building as it existed on 1 July 1948 or, if constructed after this date, as it was built originally.

5. Policy SP 17 of the Maidstone Borough Local Plan (October 2017) (the Local Plan) states that development will be managed in accordance with national policy for the Green Belt. The Residential Extensions Supplementary Planning Document (May 2009) (the SPD) largely reflects the Framework with respect to the Green Belt.
6. The proposal includes extensions to the front, rear, and side of the property. The Council suggest the percentage increase in floor area would amount to approximately 103% over the existing building. The appellant disputes this and has suggested a lower figure of 86.5%. The lower of the two figures would still represent a very substantial addition to the property in numerical terms, and the appellant accepts that the increase would be significant. Visually the proposed development would appear considerably larger than the original dwelling. It would result in disproportionate additions over and above the size of the original building.
7. The appellant has compared the proposal to the permitted development (PD) rights that they consider could be implemented. Any potential PD rights are not relevant to reaching a conclusion on whether an extension is disproportionate. This must be solely judged based on a comparison with the original building.
8. Accordingly, the proposal would be inappropriate development, and result in harm to the Green Belt. Paragraph 148 of The Framework instructs that substantial weight should be given to any harm to the Green Belt, and that '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.

Openness

9. The property is set within a spacious plot surrounded by dense vegetation and tall trees. The area is rural in character and the land behind and across from the site is characterised by large open fields.
10. The proposal would be a significant addition to the property. However, it would be related to an existing building, sited within an enclosed residential plot, and would not occupy an excessive amount of land within the Green Belt. As such, although the proposal would represent disproportionate additions over and above the size of the original building, the overall effect upon the openness of the Green Belt would be limited, both visually and spatially.
11. Although the harm would be limited, the proposal would nevertheless be detrimental to the openness of the Green Belt.

Character and Appearance

12. The property is a large two-storey detached house. A stone-clad chimney feature can be seen extending upwards along the face of the property, and it is

also particularly noticeable along the eastern elevation due to its considerable depth.

13. The proposal would significantly alter the overall design of the property and unify the extensions with the original building such that it would resemble a replacement dwelling. However, the chimney feature would be retained and remain equally visible.
14. The additions to the property would not be subordinate to the existing dwelling, and the proposal would also include an element projecting from the rear that would have a ridge height greater than the rest of the property. The proposal, particularly the taller element at the rear, would therefore fail to relate sympathetically to the existing building, and would have an adverse impact on its form and appearance.
15. The Council have referred to the SPD in relation to character and appearance in the decision notice. However, it has not specifically identified where the proposal conflicts with the SPD's guidance in the officer report with respect to this issue. The SPD suggests that extensions should be well proportioned and present a satisfactory composition with the existing property, and should not be discordant or obtrusive. Due to the overall size of the extensions, and the height of the element projecting from the rear, the proposal would not adhere to the guidance in the SPD.
16. Accordingly, the proposal would cause harm to the character and appearance of the host dwelling, and the surrounding area. It would therefore fail to comply with Policies DM 1, DM 30, DM 32, and SP 17 of the Local Plan which together seek to ensure development creates high quality design, relates sympathetically to the existing building, does not overwhelm the original form of the existing dwelling, and does not result in harm to the character and appearance of the area.

Other Considerations

17. The appellant highlighted two properties nearby which were permitted in 2021. The details of these two schemes have not been provided and it has not been made clear whether or not they are directly comparable to the appeal scheme, or whether any very special circumstances existed in either case.
18. The appellant has also suggested that the property could be extended upwards by two additional storeys under PD rights, resulting in a greater increase in volume than the proposal. There is little evidence provided to suggest they are likely to pursue a scheme of this nature. In addition, such schemes are subject to a prior approval process, and so it cannot be certain that the scheme could be implemented.
19. There is also a lack of detail and certainty surrounding the PD rights the appellant considers could be implemented at the rear and side of the property, and they would in any case be limited overall in comparison to the entirety of the proposal. As such, any PD allowances, including those relating to additional storeys, hold very little weight.

Conclusion and Recommendation

20. The proposal would be inappropriate development in the Green Belt and would be detrimental to openness. It would also harm the character and appearance

of the host dwelling, and the surrounding area. It would therefore conflict with the aims of Policies DM 1, DM 30, DM 32, and SP 17 of the Local Plan, and the Framework. The other considerations do not clearly outweigh these harms, and the very special circumstances necessary to justify the development do not therefore exist.

21. Based on the above and having regard to all matters raised, I recommend that the appeal should be dismissed.

C Glaister

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR