



Appeal Decision

Site visit made on 22 February 2023

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2023

Appeal Ref: APP/G2245/W/22/3295848

Streamhawk Croft, Knatts Valley Road, Knatts Valley, TN15 6XY

- 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 Harley Burford against the decision of Sevenoaks District Council.
 - The application Ref 21/04253/FUL, dated 30 December 2021, was refused by notice dated 3 March 2022.
 - The development proposed is demolition of existing dwelling and garage and reconstruct new 3-bedroom chalet style house and double garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character of the surrounding area, and whether it would conserve and enhance the Kent Downs Area of Outstanding Natural Beauty (AONB); and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

3. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. 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.
4. Paragraph 49 of the Framework sets out that the replacement of a building is not inappropriate in the Green Belt, provided the building is in the same use and not materially larger than the one it replaces. Policy GB4 of the Sevenoaks

Allocations and Development Management Plan (2015) (Local Plan) builds on this by permitting proposals to replace an existing dwelling within the Green Belt where they would meet certain criteria.

5. Criteria D of Policy GB4 of the Local Plan requires the applicant to provide clear evidence that the total floorspace of the replacement dwelling, together with any retained extensions, alterations and outbuildings would not result in an increase of more than 50% above the floorspace of the "original" dwelling (measured externally). This approach is broadly consistent with paragraph 49 of the Framework, however, seeks comparison against the existing dwelling rather than the original dwelling. As the Framework is more up to date than the Local Plan, I give greater weight to the policies in the Framework and have assessed the appeal on this basis.
6. The existing dwelling, including its garage, has a floorspace of 146.6m². The proposed dwelling would have a floorspace between 294m² and 328.04m², depending on whether it is measured internally or externally. Using either measurement the total floorspace of the proposed dwelling would result in an increase of more than 100% above the floorspace of the existing dwelling.
7. I recognise that the proposed dwelling would be located on a similar footprint to the existing dwelling and the ground floor floorspace would increase by less than 50%. Nevertheless, the proposed dwelling would have a much greater volume than the existing dwelling, including an increase in eaves and ridge height. While it may be that it would only be 2.6m taller than the top of the existing dwelling's chimney, most of the existing dwelling's roof profile is lower than this, thus the overall increase in height would be more considerable. The existing dwelling's roof profile from the front is formed of two gable ends that drop either side and in the middle to a much lower eaves height. In comparison, the proposed dwelling's roof profile, despite being punctuated by dormer windows and a large gable end feature, would consist of a more continuous roof plane at an increased height, making it appear significantly taller and bulkier. Furthermore, the large gable end feature draws attention to the upper floor and roof profile and thus the additional volume.
8. For the reasons above, the proposed dwelling would be materially larger than the existing dwelling. It would conflict with Policy GB4 of the Local Plan and would constitute an inappropriate form of development within the Green Belt, which, by definition, is harmful to the Green Belt.

Openness of the Green Belt

9. Policy GB4 also requires that the design and volume of replacement dwellings does not materially harm the openness of the Green Belt through excessive scale, bulk, or visual intrusion.
10. As discussed above, while the proposed dwelling would have a similar footprint to the existing dwelling, it would be considerably larger than the modest bungalow. It would consist of two-storeys and would take up a significant amount of space above the existing dwelling that is currently open. It would therefore harm the spatial openness of the Green Belt.
11. Visually, given the slope of the site, the upper floor and roof profile of the proposed dwelling, thus the increase in volume, would be visible from the highway above the existing front boundary hedge and from the entrance to the

site. It would also be visible from within the appeal site and neighbouring gardens, as well as from the wider landscape, and would restrict existing views through the site. Thus, it would harm the visual openness of the Green Belt.

12. Whether or not the proposed garage would harm the openness of the Green Belt, an absence of harm in this regard would not address the harm to openness resulting from the proposed dwelling, nor render the proposed dwelling acceptable.
13. Accordingly, for the reasons above, the proposal would not preserve the openness of the Green Belt contrary to the fundamental aim of the Framework and would conflict with Policy GB4 of the Local Plan.

Character and Appearance, including AONB

14. The appeal site is within the Kent Downs AONB. Its landscape setting and the character of the surrounding area is very rural and verdant. I saw on my visit that the immediate area is made up predominately of modest, single storey houses on generous plots. While some of the houses have rooms in the roof, the eaves are low, and the roof profiles appear subservient to the ground floor. Although the houses vary in their design and appearance, they have simple and traditional forms and features that do not intrude on their rural and verdant setting. Many of the houses, including the appeal site, are set above the road. However, they are also set back from the road and, given their modest scale and low profiles, they are not prominent in the street scene.
15. It may be that the existing bungalow needs modernising and could be considered to have little character. However, it has a humble form and appearance that is in keeping with other houses on this section of Knatts Valley Road and it integrates well with its rural and verdant landscape setting.
16. In comparison, the considerably larger proposed dwelling would not be in keeping with the unobtrusive character of the other houses. Although of a chalet/barn style design, it would appear as a two-storey dwelling with higher eaves than most other properties with rooms in the roof. The gable end feature at the front would draw attention to the upper floor and roof profile increasing its mass and bulkiness. Despite using similar materials, being set back a similar distance to the neighbouring property and occupying a generous plot, its height and mass would make it appear prominent and incongruous in the street scene as well as intrusive in its rural and verdant landscape setting.
17. While new hedges, vegetation and trees may help integrate the proposal more successfully into its surroundings, it would not fully address the harm arising from the scale and mass of the proposal. The proposed dwelling would still be visible from the highway and other parts of the AONB, appearing as a discordant form of development. Furthermore, landscaping ought to be used to soften, enhance, or complement the appearance of new development not to conceal inappropriate development that fails to contribute positively to its surroundings.
18. Paragraph 130 of the Framework seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. However, that this should be achieved while not preventing or discouraging appropriate innovation or change. While the proposal includes some more modern features, such as large areas of

glazing and balconies, from the evidence before me and my observations, these features alone and/or a dwelling with a distinctly modern appearance would not automatically result in harm to the character and appearance of the area, including the AONB landscape setting.

19. For the reasons above, the proposal, by virtue of its scale and mass, would fail to conserve and enhance the AONB and would have a detrimental impact on the character of the surrounding area. It would conflict with Policy SP1 of the Sevenoaks Local Development Framework Core Strategy (2011) and Policy EN1 of the Local Plan. These seek to ensure all new development is designed to a high quality and responds to the local character of the surrounding area. It would also conflict with Policy EN5 of the Local Plan that requires proposals within the AONB to conserve and enhance the character of the landscape; and would be contrary to the similar aims of the Framework.

Other Considerations

20. In terms of benefits, the proposed dwelling would provide a new family home that would be more energy efficient and likely more adaptable than the existing bungalow. This would support the transition to a low carbon future, which weighs in favour of the proposal. I attach moderate weight to this benefit. I note that the Council does not currently have a five-year supply of deliverable housing sites, however in this case there would be no net increase in residential units and therefore the proposed dwelling would not contribute to the District's shortfall in its housing supply.
21. It has been put to me that the neighbours only have praise for the design, and I note that the occupants of a neighbouring property have confirmed that they have no objection to the proposal, with particular regard to overlooking. However, I must consider the effect of the proposal on all future occupants, and I have found that it would harm the openness of the Green Belt, as well as the character and appearance of the surrounding area including the landscape character of the AONB.
22. I have also had regard to the examples of other buildings along Knatts Valley Road. While these buildings have similarities to the appeal proposal, it appears to me that their merits and circumstances are different. The elevation of these dwellings above the highway and the distance they are set back from it differ from the appeal proposal. Each development needs to be considered on its own merits and circumstances. The third example of a 2-storey dwelling¹ is perhaps the closest relatively speaking in characteristics to the appeal proposal. However, I do not have full details that led to this proposal being accepted and it does not lead me to allowing the appeal, given the harm I have found.

Green Belt Balance

23. I have found that the proposal would constitute an inappropriate form of development in the Green Belt and would not preserve its openness. It would also fail to conserve and enhance the AONB and would harm the character of the surrounding area. It would therefore conflict with the development plan read as a whole. The Framework indicates that harm by reason of inappropriateness should be given substantial weight and that inappropriate development should not be approved except in very special circumstances.

¹ Referred to on page 8 of the appellant's statement as "Another example of a 2 storey dwelling with an overall height much higher than the proposed when the ridge height is compared"

24. I have given moderate weight to the increased energy efficiency of the proposed dwelling. However, this does not clearly outweigh the harm by reason of inappropriateness and the harm I have identified to the openness of the Green Belt and the character and appearance of the area, including the landscape character of the AONB. Thus, there are not the very special circumstances necessary to justify the proposal. The proposal would therefore be contrary to the aims of the Framework with regards to the Green Belt.

Planning Balance and Conclusion

25. Given the shortfall in housing supply, paragraph 11d) of the Framework falls to be considered. I have found that the proposal would be an inappropriate form of development within the Green Belt and would harm the landscape character of the AONB. Consequently, the application of policies in the Framework that protect the Green Belt and landscape and scenic beauty of the AONB provide a clear reason for refusing the development proposed. The proposal therefore would not benefit from the presumption in favour of sustainable development outlined at paragraph 11 of the Framework.

26. Accordingly, for the reasons above, I conclude that the appeal should be dismissed.

Hannah Guest

INSPECTOR