



Appeal Decision

Site visit made on 21 March 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2023

Appeal Ref: APP/G2245/D/22/3303851

High Bank, Ide Hill Road, Sundridge, Kent TN14 6AX

- 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 and Mrs Clarke against the decision of Sevenoaks District Council.
 - The application Ref 22/01083/HOUSE, dated 14 April 2022, was refused by notice dated 8 June 2022.
 - The development proposed is described as constructing 'a white UPVC Edwardian design conservatory to the left elevation of the property. There is an existing conservatory that is to be removed prior to the works commencing.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - (b) the effect of the proposal on the openness of the Green Belt; and
 - (c) 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 proposal.

Reasons

Whether Inappropriate Development

3. The National Planning Policy Framework (the Framework) advises that in the Green Belt, development should be regarded as inappropriate. However, Paragraphs 149 and 150 set out exceptions, where subject to certain requirements, development in the Green Belt might not necessarily be considered inappropriate. Paragraph 149(c) of the Framework states that the extension or alteration of a building is not inappropriate development in the Green Belt provided it does not result in disproportionate additions over and above the size of the original building.
4. The Framework does not explain what is meant by 'disproportionate'. It is a matter therefore of planning judgement. Policy GB1 of the Sevenoaks Allocations and Development Management Plan 2015 (Local Plan) states that

proposals which cumulatively result in increases of floorspace of more than 50% over the original building will generally be resisted. The Council notes that the footprint of the original dwelling has already been extended over this 50% figure. Indeed, the Council indicates that the proposed extension would result in a cumulative increase of 153.7% over the original building. The appellant does not disagree with these figures.

5. Whilst the proposed increase is in itself modest, a 153.7% larger building over the original would be considerably in excess of what the Local Plan considers acceptable. From my observations on site, I find that this scale of enlargement cannot reasonably be considered to represent anything but disproportionate additions over and above the size of the original building, which is the test of the Framework. It is therefore inappropriate development in the Green Belt.
6. In addition to conflicting with Policy GB1 of the WLP, the proposal would also be contrary to Paragraph 149(c) of the Framework. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

7. Paragraph 137 of the Framework states: 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. Openness is not defined in the Framework but in determining the nature and extent of any impact on Green Belt openness it is necessary to assess both spatial and visual impacts.
8. The proposal would result in an enlarged conservatory to the existing property, thereby introducing built form where none previously existed. Consequently, there would be some spatial loss of openness of the Green Belt.
9. The property is set back from the site frontage and set above road level. There is screening to the site's boundaries and the proposed conservatory would use similar materials and styling to that of the existing. Consequently, I do not therefore consider that the extension would be unduly prominent or noticeable such that visually it would harm the openness of the Green Belt.
10. In my view, whilst there is a technical loss of openness because of the additional built form, this loss is not in fact noticeable and cannot therefore reasonably be considered as harmful.

Other Considerations

11. The appellant considers that the proposed structure would be modest in size, that does not impinge on the existing garden yet would offer a more coherent, linear building line to this part of the dwelling. I have no reason to disagree with such observations. However, Green Belt policy requires the cumulative extensions to the dwelling to not be disproportionate to the original building, which is a subtly different issue.
12. The proposal would be of a similar design to the existing conservatory and would not cause harm to neighbours or the wider Area of Outstanding Natural Beauty. Although these were not contentious issues in the appeal, acceptability in design, amenity and landscape terms is to be expected and so the absence

of such harms is not something that can be weighed positively in favour of the scheme.

13. I have been referred to other, larger works to nearby properties which have been approved. However, I do not have the details of those schemes before me and therefore cannot be sure that they represent a direct parallel. In any case, I have determined the appeal on its own merits.

Green Belt and Planning Balance

14. The development is inappropriate development in the Green Belt which by definition is harmful, although there is no harm to openness. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
15. I have found the other considerations advanced in favour of the proposed development, both individually and cumulatively, to be worthy of only limited weight for the reasons I have given. As such, they would be insufficient to justify the proposed development owing to the substantial weight that should be ascribed to any harm to the Green Belt. Very special circumstances do not therefore exist.
16. The development is contrary to the Framework and to the development plan which seek to protect the Green Belt. I have considered all other matters raised but none outweigh the conclusions I have reached.

Conclusion

17. For the reasons set out above, I dismiss the appeal.

Stewart Glassar

INSPECTOR