



Appeal Decision

Site visit made on 23 March 2023

by Grahame Kean Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 April 2023

Appeal Ref: APP/K2230/D/22/3290741

67, Squirrels Chase, Beechwood Drive, Meopham, Gravesend, Kent DA13 OTX

- 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 Kim Austin against the decision of Gravesend Borough Council.
 - The application Ref 20211108, dated 27 October 2021, was refused by notice dated 22 December 2021.
 - The development proposed is conversion of detached garage to games room with toilet on ground floor and office room in the upper floor including roof alteration to accommodate the first-floor space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - Whether the proposal is inappropriate development in the Green Belt (GB);
 - The effect of the proposed development on the character and appearance of the main dwelling and wider area;
 - If inappropriate development, whether the harm due to inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances needed to justify the development.

Reasons

Whether inappropriate development

3. The existing structure is a detached double garage at the front of the plot. It is in an elevated position and prominent in the street scene. The 1½ storey main dwelling is set down to the rear of the plot. A previous application for conversion of the garage to a games/gym room with toilet appears to have been granted permission under Ref. 20220019 on 09 March 2022.
4. The current proposal would in effect be a new building. The area of floor space of the proposed development is 75m². The converted garage would be finished with external materials to match the existing tile roof and brick and cladding.

5. Under National Planning Policy Framework 2021 (NPPF), paragraph 149(c) the construction of new buildings would not be inappropriate in the GB if it were an extension or alteration of a building that did not result in disproportionate additions over and above the size of the original building. The appellant's case on whether the proposal would be inappropriate development is based on this part of the NPPF. The main dwelling was granted permission in 1997 and is the "original" building for these purposes.
6. There is no set method of measuring proportionality in this context, although the reference to "size" in the NPPF could include footprint, volume, external dimensions including height, floorspace or visual perception. Comparison with buildings on adjoining plots, whilst a matter to consider under character and appearance, is not a criterion in NPPF, paragraph 149(c).
7. The existing single storey garage is c1.25m from the front boundary and has a relatively shallow pitched pyramid roof. The eaves height would remain at 2.6m, however a significant change proposed would result in a higher pitched roof with a prominent gable end. There would be several new windows at the second storey in the upper accommodation and at the ground floor main elevation the double garage doors would be replaced by sliding patio doors and a large window. The height of the building would be increased by approximately 2m with an overall new height of 5.35m. Whilst this might be the same height as the host dwelling its appearance at the elevated front part of the plot would be over-dominant and lack subservience to the main house.
8. Although the detached single storey garage to be converted is capable of being an extension to the main dwelling and the footprint would remain, in view of its proposed increase in volume, height, altered roof form including a higher pitched roof, introduction of several openings domestic in appearance, and an increased elevated position at the front of the premises, I find that it would represent a disproportionate addition over and above the size of the main dwelling, or indeed the existing main dwelling and garage taken together (as it appears they were originally erected in or around 1997). It would therefore be inappropriate development in the GB which is by definition, harmful to the GB and should not be approved except in very special circumstances.

Impact on openness of the Green Belt

9. The NPPF describes openness as an essential characteristic of the GB. It has a spatial aspect as well as visual and can mean the absence of development in spatial terms, making openness susceptible to harm even when development is not readily visible from the public realm. In spatial terms the proposal would have a minor impact on the openness of the GB compared to the existing development. However, in visual amenity terms, the proposed building would be visibly larger in scale and bulk than the existing building. In my view floorspace is not the only significant factor, bulk and massing are also important. It would be readily apparent as a more prominent addition to the built development on the plot and some harm to openness would result.

Character and appearance

10. The immediate street scene comprises a small number of dwellings where the existing garage is subordinate and subservient to the main dwelling and despite its elevated position achieves an appropriate height hierarchy. The neighbouring properties also have garages to the front which is a characteristic

feature of the area. The adjoining garages or outbuildings have prominent gable end features. Often parking is provided on the adjacent forecourts.

11. Beechwood Drive is a semi-rural lane with detached dwellings built in several styles. I disagree that outbuildings generally relate well to their host main properties, as many are large and prominent features, detracting from the presence of main dwellings in some of the plots and presenting a discordant appearance to parts of the street scene. Such examples would not be a compelling precedent for the proposal. The new upward extension would be intrusive at this location. Considering the overall character of the area and the effect of the proposal on the main dwelling, the harm to the character and appearance of the area would be limited, although still adverse.

Whether the harm is clearly outweighed by other considerations, so as to amount to very special circumstances justifying the development.

12. NPPF, paragraph 148 advises that substantial weight should be given to any harm to the GB and very special circumstances will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
13. No specific case is advanced on the grounds of very special circumstances. The proposed building may have no detrimental impact on neighbouring living conditions, and the access to the site may already be established and not entail additional traffic movements. The proposal would provide extra accommodation within the residential plot and parking of vehicles may be possible elsewhere on site but these are limited benefits. In any event the appellant already appears to have permission for a use incidental to the main dwelling's use.
14. The original permission for the dwelling and garage was conditioned to prevent conversion of the area demarcated for vehicular parking without prior consent from the Council. Whether the condition is obsolete is not a matter that is directly before me for determination.
15. Limited weight is given to the benefits of the proposed development which make up the other considerations. They do not clearly outweigh the harm to the GB and the character of the area. Therefore, the very special circumstances necessary to justify the development do not exist.

Conclusion

16. The proposed development would be inappropriate development in the GB which by definition, with the harm caused by loss of openness, attracts substantial weight. This conflicts with the Council's Core Strategy 2014 (CS), Policy CS02 which seeks development compatible with national policy to protect the GB. Further harm, although limited would result to local character and appearance contrary to CS Policy CS19 in failing to take due account of the scale, height, and other architectural features of the host dwelling and the wider site context including the site's topography. No very special circumstances exist to justify the development. Therefore the appeal should be dismissed.

Grahame Kean

Inspector