



Appeal Decision

Site visit made on 21 March 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2023

Appeal Ref: APP/G2245/D/22/3296053

Oakfield, Rushmore Hill, Knockholt, Sevenoaks TN14 7NL

- 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 A Totten against the decision of Sevenoaks District Council.
 - The application Ref 21/04187/HOUSE, dated 20 December 2021, was refused by notice dated 4 March 2022.
 - The development proposed is removal of existing outbuilding comprising triple garage (within 5 metres of dwelling) and erection of linked single storey extension to house to comprise a double garage with utility room and games/playroom.
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Decision

1. The appeal is allowed and planning permission is granted for removal of existing outbuilding comprising triple garage (within 5 metres of dwelling) and erection of linked single storey extension to house to comprise a double garage with utility room and games/playroom at Oakfield, Rushmore Hill, Sevenoaks TN14 7NL in accordance with the terms of the application, Ref 21/04187/HOUSE, dated 20 December 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 7768-PD-16; 7768-PD-17; 7768-PD-18; 7743-PD-15.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposal 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 effects of the proposal on the openness of the Green Belt; and
 - 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

Inappropriateness

3. The appeal property is a large, detached house within a generous plot in the Green Belt. As set out at paragraph 149 of the Framework, new development within the Green Belt is generally regarded as inappropriate. However, the Framework provides certain exceptions that are not inappropriate, including 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.
4. Policy GB1 of the Sevenoaks Allocations and Development Management Plan 2015 sets out criteria for the extension of dwellings in the Green Belt, including that the total floorspace of the proposal, together with previous extensions, alterations and outbuildings within 5m of the existing dwelling, would not result in an increase of more than 50% above the floorspace of the original dwelling.
5. The Council's delegated report describes the original dwelling as a small chalet bungalow which has been substantially altered through several extensions, including a two-storey extension to the side, front and back, and dormers in the roof space. A detached triple garage is located less than 5m from the dwelling and therefore contributes toward the 50% floorspace threshold described in Policy GB1. The Council estimates that, relative to the original dwelling, the past extensions and garage building provide a floorspace increase of 251%. The appellant is also of the view that the 50% floorspace allowance afforded to the dwelling by the development plan is likely to have been utilised by past extensions and alterations.
6. The proposal would involve demolition of the garage and extension of the appeal property resulting in a net increase in floorspace. Consequently, the proposal, along with previous extensions, alterations, and outbuildings, would result in an increase of more than 50% above the floorspace of the original dwelling.
7. The proposal would therefore result in disproportionate additions over and above the size of the original dwelling and would not comply with Policy GB1. The proposal would therefore be inappropriate development within the Green Belt, which paragraph 147 of the Framework states is harmful to the Green Belt and should not be approved except in very special circumstances.

Effects on openness

8. Paragraph 137 of the Framework describes the essential characteristics of Green Belt being its openness and permanence and states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
9. Openness has both spatial and visual elements. The proposed extension would adjoin the side wall of the appeal property and would extend rearwards. The proposed extension would utilise space currently occupied by the parking forecourt, garage building, and garden.
10. The proposal would involve demolition of the existing garage, which has a footprint of around 59sqm. Whilst broadly equal in height to the existing garage, the proposed extension would have a floor area of around 148sqm. Through increasing the built area, both in terms of floor area and volume, the

spatial effects of the proposed extension would harm the openness of the Green Belt.

11. The appeal property is set back from the highway by a large front garden. Views into the appeal site from the road are generally obscured by dense trees and shrubs at the front boundary, and a tall brick wall and solid timber gate at the access. The proposed extension would be sited within an existing parking court which is enclosed by a high wall and solid gate and would therefore be generally concealed from view from the front of the appeal property. The proposed extension would not therefore be visible from public spaces, such as the highway.
12. The proposed development would be close to the side and rear plot boundaries. However, the proposed development would be of limited visibility from adjoining dwellings and gardens due to the low-density pattern of surrounding development and tall, dense, vegetation along boundaries.
13. The side elevation of the proposed extension would be visible within the rear garden of the appeal property. However, the existing garage, which is set back from the rear elevation of the appeal property, is prominent within the rear garden. Therefore, the perceived change through an increase in built form would be small. For these reasons, the visual impacts of the proposal in the Green Belt would be minimal and highly localised to certain spaces within the appeal site.
14. However, as discussed above, the spatial effects of the proposal would result in a loss of openness of the Green Belt, and for this reason the proposal would conflict with paragraph 137.

Other considerations

15. The appellant has provided a Lawful Development Certificate (LDC) issued by the Council on 27 October 2021 for the proposed erection of a single storey outbuilding to be used as a playroom and games room with bar and WC¹. The outbuilding would fulfil broadly the same purpose as the proposed extension, therefore there is a realistic prospect that, were the appellant unsuccessful in this appeal, they would be inclined to construct the outbuilding described by the LDC. For this reason, I consider the LDC represents a realistic fallback position.
16. The proposed outbuilding would be sited within the rear garden of the appeal site behind the existing garage. The outbuilding would be single-storey and have a floor area of around 99sqm. Unlike the proposed extension, the outbuilding would not involve demolition of the garage building.
17. The combined built floor area of the outbuilding and existing garage would be around 158sqm. The floor area of the outbuilding and garage would exceed the floor area of the proposed extension by around 10sqm. Consequently, the spatial effects on the openness of the Green Belt of the LDC scheme would be slightly greater than the appeal proposal.
18. As in the case of the appeal proposal, views of the outbuilding would be very limited due to the enclosed nature of the appeal site. However, whilst sited behind the existing garage, part of the outbuilding would project significantly

¹ LPA reference: 21/02900/LDCPR.

beyond the side elevation of the existing garage into the garden. This would have a harmful enclosing effect upon the rear garden of the appeal property, particularly around the terrace and lawn area.

19. In addition, the outbuilding would be positioned immediately to the rear of the existing garage. The massing of the outbuilding and garage would be perceived as a single large unit of irregular form, and differences in the roof pitch of the outbuilding and garage would result in the buildings appearing visually disharmonious. For these reasons, the LDC scheme would have moderately greater adverse visual impacts upon the Green Belt than the appeal scheme.

Planning Balance

20. As set out above, the appeal proposal would form inappropriate development which the Framework states should not be approved except in very special circumstances. The proposal's harm is confined to its inappropriateness, and I have identified no harms in respect of other planning matters.
21. Conversely, the LDC scheme confirms the outbuilding benefits from planning permission through permitted development rights and presents a realistic fallback position. Implementation of both schemes would not be possible since the footprint of the proposed extension and outbuilding would overlap. Therefore, the harms from each scheme can be balanced against one another.
22. Paragraph 148 of the Framework instructs that substantial weight should be given to any harm to the Green Belt. Whilst the appeal scheme would amount to harm to openness, I have found that the LDC scheme would result in greater spatial and visual harm to the openness of the Green Belt.
23. I therefore consider the existence of the fallback position provided by the LDC scheme would amount to very special circumstances which would outweigh the harm from the appeal proposal by reason of inappropriateness. In this circumstance, the Framework indicates the appeal proposal should be approved.

Conditions

24. In addition to the standard time limit of the planning permission granted, in the interests of certainty I have attached a condition specifying adherence to the approved plans.
25. I have had regard to the Council's suggested conditions. To ensure the appearance of the development reflects the character of the appeal property, I have attached a condition requiring materials on external surfaces match the existing building.
26. I have not included the suggested condition relating to the demolition of the garage or siting of additional buildings. The scope of the approved works is specified on the approved plans, and therefore the condition is not necessary.
27. The Council has suggested, and the appellant has expressed willingness, that permitted development rights be surrendered through imposition of a planning condition. Whilst I understand this could help preserve openness, such a condition would not be necessary to make the appeal proposal acceptable in planning terms and therefore would not comply with the Framework. Furthermore, paragraph 54 of the Framework indicates that planning conditions

should not be used to restrict national permitted development rights unless there is clear justification to do so. Neither the Framework nor General Permitted Development Order 2015 suggest that buildings within Green Belts should not benefit from permitted development rights.

Conclusion

28. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude the appeal should succeed.

E Dade

INSPECTOR