



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: 18 April 2023

Appeal Ref: APP/G2245/D/22/3292208

2 Bonny Acre Cottages, Wrotham Road, Meopham, Gravesend DA13 0RF

- 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 Howell against the decision of Sevenoaks District Council.
 - The application Ref 21/03616/HOUSE, dated 30 October 2021, was refused by notice dated 23 December 2021.
 - The development proposed is construction of a single storey extension after demolition of existing conservatory.
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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; 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 149 of the Framework establishes that the extension or alteration of a building is not inappropriate in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. Policy GB1 of the Sevenoaks Allocations and Development Management Plan (2015) (Local Plan) builds on this by permitting proposals to extend existing dwellings within the Green Belt where they would meet certain criteria, including criteria to assess whether the addition would be disproportionate.

5. Criteria C of Policy GB1 of the Local Plan requires the applicant to provide clear evidence that the total floor space of the proposal, together with any previous extensions, alterations and outbuildings would not result in an increase of more than 50% above the floorspace of the "original" dwelling (measured externally) including outbuildings within 5m of the existing dwelling.
6. The proposed extension, excluding the conservatory that is to be demolished, would have a floorspace of 14.40m². This would appear modest and proportionate compared to the existing dwelling that currently has a total floorspace of just below 170m². However, I understand that the original dwelling has already been substantially extended and together the proposed extension and previous extensions would represent approximately a 70% increase in the total floorspace of the original dwelling. This would be significantly greater than the 50% increase permitted by Policy GB1 of the Local Plan. Therefore, although the proposed extension itself would be a modest and proportionate addition, it would result in disproportionate additions over and above the size of the original building.
7. For this reason, the proposal would conflict with Policy GB1 of the Local Plan. Accordingly, it would be an inappropriate form of development within the Green Belt, which, by definition, is harmful to the Green Belt.

Openness of Green Belt

8. The proposed extension itself would have a small footprint and would be single storey with a flat roof. However, while it would be modest in scale, it would nevertheless reduce the spatial openness of the Green Belt.
9. In terms of visual effect, given the proposed extension would be located at the rear of the appeal property, views of it from the street scene would be restricted. While there would be an appreciable effect on openness from within the rear garden, in longer distance views, taken from the paddock behind the rear garden, the proposed extension would appear as a small addition to and subordinate part of the existing dwelling. It would also not interfere with the existing view of the paddock from the street scene taken through the gap between the appeal property and its neighbour. Nevertheless, the proposed extension would erode the visual openness of the Green Belt and would therefore result in harm, albeit this harm would be localised and limited.
10. For the reasons above, although localised and limited, the proposed extension would result in spatial and visual harm to the openness of the Green Belt. It would not preserve the openness of the Green Belt contrary to the fundamental aim of the Framework.

Other Considerations

11. In terms of benefits, it has been put to me by the appellant that the extension would provide additional space for the occupants, specifically a dining room. The previous dining room has been turned into a bedroom to allow a disabled member of the family to visit and potentially move in permanently in the future. The extra space would allow for family dining and would provide sufficient space for the disabled family member to manoeuvre around. These are personal circumstances to which I attribute weight in favour of the appeal.
12. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010. The Act

sets out the relevant protected characteristics which includes disability. Since there is the potential for my decision to affect a person with a protected characteristic, I have had due regard to the three equality principles set out in Section 149 of the Act.

13. I am mindful of the advice contained in the Planning Practice Guidance that, in general, planning is concerned with land use in the public interest. While the proposed extension would support a disabled family member, it would likely remain after the family member's personal circumstances cease to be material. Furthermore, future use of the house by different occupants would also not necessarily entail a similar situation. Nevertheless, given the proposal would allow the family member to move in permanently in the future if required, I attribute moderate weight to this benefit.
14. The appellant has referred to other recent development taking place close to the appeal property, including a car shelter and 2/3-bedroom house. However, I do not have full details of these developments so I cannot be sure of their circumstances. In any case, I have determined the appeal on its own merits, based on the evidence before me.

Conclusion

15. The proposal would represent inappropriate development in the Green Belt that would reduce openness. Inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. In addition, openness is seen as an essential characteristic of Green Belts so a reduction in that quality would also be harmful. The NPPF advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
16. Against this, the personal circumstances of a family member of the appellant, lends moderate weight in favour of the proposal. However, the NPPF sets out that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In this case, the other considerations in favour of the proposal would not clearly outweigh the harm I have identified to the Green Belt. Therefore, very special circumstances necessary to justify the proposal do not exist.
17. For the reasons given above, I conclude that the appeal should be dismissed.

Hannah Guest

INSPECTOR