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# Appeal Decision

Site visit made on 11 April 2023

**by E Dade BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 April 2023**

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**Appeal Ref: APP/T2215/D/22/3298113**

**1 Ayers Cottages, Clement Street, Swanley, Kent BR8 7PG**

- 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 & Mrs George and Monica Peters against the decision of Dartford Borough Council.
  - The application Ref DA/21/01810/FUL, dated 29 November 2021, was refused by notice dated 22 February 2022.
  - The development proposed is construction of balcony at rear of garage/store for use of first floor as home arts and crafts studio and raising of roof by 1.0m.
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## Decision

1. The appeal is allowed, and planning permission is granted for construction of balcony at rear of garage/store for use of first floor as home arts and crafts studio and raising of roof by 1.0m at 1 Ayers Cottages, Clement Street, Swanley, Kent BR8 7PG in accordance with the terms of the application, Ref DA/21/01810/FUL, dated 29 November 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: Ground Floor Plan CS/1A; Proposed Floor Plan CS/4B; Elevations CS/5A; Section Plan CS/6A; Site Plan CS/7.

## Main Issues

2. The main issues in this appeal are:
  - Whether the proposed development would be inappropriate development in the Green Belt; and
  - The effects of the proposed development upon the character and appearance of the main dwelling and area.

## Reasons

*Whether the proposal is inappropriate development in the Green Belt*

3. The proposal would involve the alteration of an existing garage building at 1 Ayers Cottages which is located within the Green Belt. Paragraph 147 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt. However, at paragraph 149, the Framework sets out certain development types that are not inappropriate. This includes 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 DP22 of the Dartford Development Policies Plan 2017 (DDPP) provides additional criteria for the extension of buildings in the Green Belt, including that the extension be proportionate and subservient in appearance and not exceed a 30% volumetric increase over and above the original building. At the time of my decision, the Pre-Submission (Publication) Dartford Local Plan (LP) is being examined. Emerging Policy M13 proposes criteria for extensions in the Green Belt which are aligned with those set by Policy DP22.
5. The existing garage is a detached building with a large footprint and a tall, pitched roof. In the context of the scale of the original building, the proposed alterations, which include a modest increase in the roof height and addition of a rear balcony and windows, would appear proportionate and subservient. I have explored the appearance of the proposed development further in the Character and Appearance section below.
6. The Council's delegated report estimates that the existing garage has a volume of 175.5 cubic metres and the proposal would provide additional volume of 33.66 cubic metres. This volumetric increase of around 19% would be significantly below the 30% threshold set by Policy DP22.
7. Since the proposal's appearance and increase in volume would satisfy the requirements of Policy DP22, I conclude the proposed development would not result in disproportionate additions over and above the size of the original building. The proposal would not therefore be inappropriate development within the Green Belt as defined by paragraph 149 of the Framework. For this reason, the proposal would comply with Dartford Core Strategy Policy CS11 which seeks to conserve openness through resisting inappropriate development within the Green Belt.
8. The delegated report indicates that if additional volume from past alterations to the main dwelling are also taken into account, the volumetric increase threshold would be exceeded. The main dwelling has been altered extensively over time. Notably, two semi-detached houses have been unified and extended to form a large, detached house.
9. However, whilst functionally related to the main dwelling, the garage is physically detached from it, separated by a driveway and wide timber gate. Both national and local policies for the extension of buildings within the Green Belt require proposals be considered in the context of the original building, which in this case I consider to be the existing garage building.
10. In assessing whether the proposal would constitute inappropriate development, neither the development plan nor the Framework stipulate that alterations to other buildings should be considered. Therefore, it is not relevant or justified to include the volume of previous additions to the main dwelling in this assessment of the proposal.

#### *Character and appearance*

11. The garage building is elevated slightly above the ground level of the dwelling. The delegated report suggests the existing garage roof is aligned with the dwelling's roof height. However, from my site visit I noted that the garage's eaves and roof ridge appear markedly lower than those of the dwelling.

12. The dwelling is a large, two-storey, detached house with a wide frontage and prominent features, including a projecting front gable, pitched storm porch with ornate columns, and a large chimney at the front roof plane. The proposed development would be of lesser height and scale and of simple form, and would therefore appear subordinate to the main dwelling.
13. The garage building is oriented with its gable end and large garage door fronting the highway. Modest-sized windows would be inserted at the first floor only. Whilst the proposal would increase the building's bulk and massing and would be relatively large in scale for a domestic garage building, the proposal would not appear similar in appearance to a dwelling.
14. The appeal site adjoins a short row of terraced dwellings, and is situated on Clement Street, a narrow, rural lane without a pedestrian footway. The site is set within a wider countryside landscape, generally characterised by equestrian and agricultural uses. The garage is set back from the highway by a paved driveway and boundary wall. Whilst the proposed development would be visible to passing traffic, the garage is generally concealed from longer distance views by adjacent dwellings and by tree belts and vegetation along the site's boundaries and on the opposite side of Clement Street. The proposed development in this location would not therefore appear prominent or obtrusive within its rural setting.
15. For these reasons, the proposal would not harm the character and appearance of the main dwelling or area. The proposal would comply with DDPP Policies DP2 and DP7 which together generally require proposals to relate well to the character of neighbouring buildings and the wider locality.
16. Whilst also relevant to matters of character and appearance, emerging LP Policies M1 and M11 do not significantly change the approach of Policies DP2 and DP7. Therefore, the emerging LP does not indicate a different conclusion should be reached, and the precise weight which should be attached to the emerging policies has not been a determinative factor in my consideration of this main issue.

### **Conditions**

17. In addition to the standard time limit of the planning permission granted, in the interests of certainty I have attached a condition specifying the approved plans.

### **Conclusion**

18. 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 be allowed.

*E Dade*

INSPECTOR