



Appeal Decision

Site visit made on 11 July 2023

by R Catchpole BSc (hons) PhD MCIEEM IHBC

an Inspector appointed by the Secretary of State

Decision date: 10th August 2023

Appeal Ref: APP/K2230/D/22/3304660

10 St Katherines Cottages, Forge Lane, Shorne, Gravesend DA12 3DR

- 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 L Lawrence against the decision of Gravesham Borough Council.
 - The application (Ref: 20220457), dated 26 April 2022, was refused by notice dated 23 June 2022.
 - The development proposed is single story rear extension and two-story side extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. As the proposal is in a Conservation Area I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. As the appeal site is in the Green Belt (GB) the main issues are:
 - i. whether the proposal would be inappropriate development in the GB and the effect of the proposal on its openness and its purposes;
 - ii. whether or not there is any other harm that would result from the proposal with regard to the character and appearance of the host property and the significance of the Shorne Conservation Area (CA); and
 - iii. whether or not any harm to the GB by reason of inappropriateness and any other identified harm, would be clearly outweighed by other considerations, so as to amount to Very Special Circumstances (VSC).

Reasons

Background

4. The appeal site is located at the northern edge of the village of Shorne. Its southern boundary fronts onto Forge Lane which is the main route into the village from the north. Open countryside wraps around the eastern and western boundaries of the site whilst the eastern boundary abuts the residential curtilage of the adjoining property. The host property occupies a prominent position at the northern gateway to the village.

5. It is at the end of a three-storey terrace with a basement level and is one of three adjoining dwellings. The host property has been extended and has a single storey addition at the side which projects beyond the rear elevation of the terrace. It has a hipped-roof and a prominent, free standing chimney stack at one side. A conservatory also projects from the rear elevation. A large, double garage is situated on the northern boundary at the end of a short driveway providing access onto Forge Lane.

Green Belt Harm

Whether Inappropriate

6. Paragraph 147 of the Planning Policy Framework 2021 (the Framework) states that inappropriate development is, by definition, harmful to the GB and should not be approved except in VSC. Paragraph 149 goes on to list a number of exceptions. The relevant exception in this case is paragraph 149(c) which states that it may be acceptable to extend or alter a building provided it does not result in disproportionate additions over and above the original size of the building.
7. The Framework does not define what might be considered disproportionate and the Council indicates that the scheme would lead to an increase of approximately 216% in terms of the footprint and approximately 113% in terms of the internal floor area when compared to the size of the original dwelling. Whilst not disputed, the appellants suggest that this would not be disproportionate if viewed within the context of the whole terrace and considered in purely visual terms.
8. Annex 2 of the Framework defines an 'original building' as one that existed on 1 July 1948 or, if constructed after this date, as it was originally built. The definition of a building in s336 of the Town and Country Planning Act 1990 (as amended) states that, among other things, this includes 'any part of a building'.
9. No judicial authority exists to the effect that there is a requirement to interpret this word as meaning an entire building (or terrace) of which an individual dwelling might form a part. Consequently, as far as the Framework is concerned, the word 'building' should be construed as relating to the building to be extended, as shown within the appeal site boundary.
10. Given that the effect is to be considered in relation to changes to the individual dwelling, I find that the proposal would lead to a highly disproportionate addition bearing in mind that previously approved works had already extended the property to just over the 'one third limit' deemed acceptable by saved policy C13 the Gravesham Local Plan First Review 1994 (LP). This places an overall limit on extensions to one third of the gross floor area of the original dwelling unless the increased floor space has no overall effect on the existing bulk and appearance of the dwelling.
11. Given the above, I conclude that the proposal would be inappropriate development and that no exceptions apply. It would, by definition, be harmful to the GB and should not be approved unless VSC apply.

Openness

12. The Council contends that the proposal would have a visual impact on openness through the loss of an area that is currently open. It observes that the increased height would close an area of openness because it would add substantial bulk to the side of the dwelling and increase the width of the terrace. The appellants maintain that it would be seen within the context of the existing building and that an area of openness would not be closed because the extension would not extend towards any other built form. Both parties agree that it is in a prominent location but the appellants maintain that the increased massing of the building would not alter the visual experience of road users travelling south.
13. Paragraph 137 of the Framework indicates that openness is an essential characteristic of the GB. It follows that openness is defined by an absence of buildings or other forms of development. As such, it is a characteristic quality of the countryside.
14. I note that the proposal would lead to a prominent and significant increase in the built development footprint and volume which would lead to an, albeit small, reduction in openness thereby harming the GB and undermining one of its purposes which is to protect the countryside from encroachment.

Other Harm

Character and Appearance

15. The Council maintains that the two-storey side extension would create the appearance of a new dwelling which would elongate the terrace and would not be in proportion to the width of the host dwelling. It observes that the rear extension would project beyond the side elevation of the existing (and proposed) side extension. It also notes that the proposed first floor window on the main elevation would be out of scale and at odds with the existing fenestration.
16. I observed that the existing terrace has little architectural merit and that the pattern of fenestration, as well as the building itself, is already unbalanced bearing in mind the disproportionate extension of its southern end. This has reduced the active frontage of the main elevation and disrupted any regular pattern of fenestration that may have been present. Moreover, the lack of a front entrance for this extended dwelling further adds to the unbalanced, *ad hoc* appearance of the terrace as a whole.
17. Considering the plans, I do not find that the proposed elongation of the terrace, which would be stepped down and set back, would lead to significant architectural disruption. Bearing in mind the incongruent nature of the existing ground floor extension, in terms of its prominent, free standing chimney stack and hipped roof, I find the massing of this element would be acceptable and go some way to redressing the negative effect of the existing extension.
18. However, the proposed ground floor element of the scheme would significantly disrupt the rectilinear form of the terrace which has already been eroded by a small ground floor extension to the neighbouring property and to a lesser extent, by the projection of the existing extension beyond the rear elevation. Added to this is the harm that would arise from the greater width of the first

floor window of the two storey element which would not match the width of the adjacent window and lead to an incongruent addition to the main elevation.

19. Given the above, I conclude that the proposal would harm the character and appearance of the host property contrary to policy CS19 of the Gravesham Local Plan Core Strategy 2019 (CS) which seeks to ensure, among other things, that new development is visually attractive and integrates well with the surrounding area. Bearing in mind that some elements would be acceptable, I give this harm limited weight.

Conservation Area

20. According to the CA appraisal its 'special interest lies in its three discrete areas of small-scale, historic, development and their settings, contrasted with its ridge-top area of former common land. The areas of development relate to south, central and northern parts of The Street as it passes through the village. The ridge-top area is reached from the south end of the village up a steep track past the churchyard.'
21. The appellants consider that the terrace only makes a low to moderate contribution to the significance of the CA as a modest workers dwelling of the Victorian period, as reflected in its limited architectural merit. The appellants note that its value is such that it has not been listed and sensitivity to change within its immediate setting is considered low.
22. I observed that the host property is not intervisible or in the setting of any listed buildings and that the historic character of the village only starts to reveal itself at No. 7 St Katherine's Cottages and the adjacent timber-framed building when moving south along Forge Road. The appeal site is adjacent to the northernmost boundary of the CA and is separated from the latter by an uncompromisingly modern, dormer bungalow that fronts onto Forge Lane.
23. Although I have found that moderate harm would be caused to the host property, I do not find that the proposal would harm the significance of the CA as a whole. This is because of the negligible contribution the host property makes, in terms of its evidential and architectural value, as well as its location near the edge of the CA.
24. Given the above, I find that the proposal would preserve the significance of the CA, in accordance with the Act and that it would be consistent with policy CS20 of the CS and saved policy TC3 of the LP. These seek, among other things, to ensure that development preserves and enhances the significance of heritage assets (where appropriate) and makes a positive contribution to CAs. No harm would consequently arise in this respect.

Very Special Circumstances

25. I have found that the appeal proposal represents inappropriate development in the GB, which is harmful by definition. It would also cause harm to openness and undermine one of the purposes for including the appeal site in the GB. In accordance with paragraph 148 of the Framework, any harm to the GB must be given substantial weight which weighs significantly against the proposal.
26. In terms of other harms, my findings concerning the effect on the character and appearance of the host property leads me to conclude that limited harm

would result. In this respect, the proposal conflicts with relevant development plan policies, as set out above.

Conclusion

27. The substantial weight to be given to GB harm is not clearly outweighed by other considerations sufficient to demonstrate VSC in this instance. Having considered all the matters in support of the proposal, I conclude that, collectively, they do not clearly outweigh the totality of harm.

28. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Roger Catchpole

INSPECTOR