



Appeal Decision

Site visit made on 9 August 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Appeal Ref: APP/G2245/D/22/3301587

1 Fairview, Fawkham Green Road, Fawkham, Kent DA3 8NR

- 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 Miller against the decision of Sevenoaks District Council.
 - The application Ref 22/00737/HOUSE, dated 15 March 2022, was refused by notice dated 19 May 2022.
 - The development proposed is a single-storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed 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 proposed development on the openness of the Green Belt; and
 - if the proposed development is inappropriate, whether the 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

Whether inappropriate development

3. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to several exceptions as set out in paragraph 149. One such exception is c) 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. The term original building is defined as a building as it existed on 1 July 1948 or, if constructed after this date, as it was built originally. Based on the evidence before me, the dwelling has been extended from its original form with

a two-storey side and a single-storey rear extension. These are identified in the Householder Application Report, alongside the floorspace of the original dwelling and the existing extension.

5. Policy GB1 of the Sevenoaks Allocations and Development Management Plan (the ADMP) provides further definition of the floorspace of extensions to dwellings in the Green Belt the Council considers to be acceptable, over and above the size of the original building, limiting such an increase to 50 percent. Whilst it would be modest in size and bulk and would not result in any greater rearward projection of the building, in combination with the existing extensions, the main parties agree that the appeal scheme would exceed this percentage. I acknowledge that Policy GB1 of the ADMP supports proposals incorporating a design that responds to the form and appearance of the original building, providing the volume of the extension/s is subservient to it. However, these requirements are precursors to the 50 percent floorspace limit set out in the policy. As a result, in combination with the existing extensions, the proposed development would result in a significant increase in the floorspace, volume, bulk and massing of the original dwelling.
6. Therefore, it is my objective view that it would be a disproportionate addition over and above the size of the original building. It would be contrary to Policy GB1 of the ADMP and would not meet the exception set out in paragraph 147c). Consequently, it would be inappropriate development in the Green Belt and should not be approved except in very special circumstances.

Openness

7. The Framework states that openness is an essential characteristic of the Green Belt. It has a spatial as well as a visual aspect, as identified in a Court of Appeal¹ decision. Given the proposed extension would be located to the rear of the existing dwelling, it would not be visible as part of the principal elevation of the property, nor from any public vantage points. Furthermore, its single-storey height would limit its visibility from neighbouring dwellings. As such, it would not cause harm to the visual aspect of the openness of the Green Belt.
8. However, the proposed development would increase the volume and mass of the existing dwelling. Whilst this increase alone would be limited given the overall scale of the appeal scheme, nonetheless it would result in a loss of Green Belt in terms of its spatial aspect as it would introduce built form where there is currently none. As such, it would conflict with the fundamental aim of the Green Belt and its ability to assist in safeguarding the countryside from encroachment.

Other considerations

9. The assertion that a similar scale of extension could be constructed under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 has been made. My attention has been drawn to the fact that as such a scheme would retain the existing extension and would incorporate a flat roof, it would be of a lower standard of design and appearance than the appeal scheme. However, it would not project as far into the garden as the proposed development and would, therefore, encroach into the Green Belt to a lesser extent than the appeal scheme. Moreover, I have

¹ *Turner v SSCLG & East Dorset* [2016] EWCA Civ 446

limited substantive detail before me to conclude that, concerning the design and appearance of this fallback scenario, it would be significantly more harmful than the appeal scheme, even if the appeal scheme looks like a single extension, rather than two. Any improvement in financial implications of the proposed development in comparison with the fallback scenario amounts to a private, rather than public benefit. Overall, I attach moderate weight to this as a fallback scenario.

10. Whilst an extension which projects further into the garden may be permissible under the Prior Approval process, this scale of development does not form part of the appeal scheme before me and I have no substantive evidence that a Prior Approval application has been submitted. Additionally, the lack of neighbour objections does not guarantee a successful Prior Approval application. Therefore, I attach limited weight to this scenario.
11. Should the appellant demolish the existing extension and then submit another planning application for a full-width rear extension, any reduction in environmental impacts as a result would be minimal given the scale of the development. I also attach limited weight in this respect.
12. The proposed development would result in additional space for the benefit of the appellant and their family whilst making effective use of the space to the rear of the property that the appellant considers to be untidy. Whilst the existing dwelling may not be currently used to its full potential, I have no substantive information to demonstrate this nor that the proposed development is the only way to achieve this. Therefore, I attach very limited weight to the personal benefits which would result from the proposed development.
13. The fact that the proposed development would not lead to a loss of trees or green space nor cause harm to the character and appearance of the area, in accordance with the Framework's objective of creating well-designed places, or the living conditions of neighbouring occupiers are neutral factors in my decision. Similarly, the lack of concerns beyond those related to the proposed development being inappropriate development in the Green Belt, raised by the Fawkham Parish Council does not weigh in favour of the grant of planning permission. Furthermore, the lack of neighbour objections received during the determination of the application does not mean otherwise unacceptable development should be permitted. Therefore, these are also neutral factors in my decision.
14. I have been referred to other dwellings close to the appeal site that have been extended. Notwithstanding the lack of information regarding the circumstances of these extensions including their size and that of the original building alongside the policies in place at the time in each case, they are not reasons, in themselves, to justify further harm. Consequently, they weigh neither for nor against the proposed development.

Green Belt Balance

15. The proposed development would be inappropriate development in the Green Belt and would result in a harmful loss of openness to the Green Belt, in spatial terms. The Framework indicates that inappropriate development should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of

inappropriateness, and any other harm, is clearly outweighed by other considerations. The Framework requires that the harm by reason of inappropriateness and to the openness of the Green Belt be given substantial weight.

Conclusion

16. For the reasons set out above the harm to the Green Belt would not be clearly outweighed by the other considerations and, therefore, the very special circumstances required to justify the grant of planning permission have not been demonstrated. Consequently, the appeal is dismissed.

Juliet Rogers

INSPECTOR