



Appeal Decision

Site visit made on 12 September 2023

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th September 2023

Appeal Ref: APP/G2245/D/23/3315317
57A Main Road, Sundridge, Kent TN14 6EQ

- 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 Victoria Allgood against the decision of Sevenoaks District Council.
 - The application Ref 22/02609/HOUSE, dated 21 September 2022, was refused by notice dated 15 November 2022.
 - The development proposed is removal of existing roof, construction of new first floor extension with partially pitch roof and flat roof and solar panels, single storey rear infill extension with flat roof with grass roof finish and rooflights.
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Decision

1. The appeal is allowed and planning permission is granted for removal of existing roof, construction of new first floor extension with partially pitch roof and flat roof and solar panels, single storey rear infill extension with flat roof with grass roof finish and rooflights at 57A Main Road, Sundridge, Kent TN14 6EQ in accordance with the terms of the application, Ref 22/02609/HOUSE, dated 21 September 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall commence until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including details of the solar panels, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans: P001, P010, P011, P020, P1002, P1110, P1111, P1120, P1121,

Main Issues

2. The main issues 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 effect of the proposed development on the character and appearance of the area.
 - If the proposal is inappropriate development, the effect 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

Whether inappropriate development

3. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraph 149 of the Framework.
4. Of relevance to this appeal is that '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' is listed as an exception in paragraph 149c.
5. Policy GB1 of the Allocations and Development Management Plan (2015) (ADMP) sets criteria that must be met for extensions to existing dwellings in the Green Belt. Exception 149c of the Framework relates to size. Therefore, of relevance to this main issue, Policy GB1 states that the proposed volume of the extension... should be proportional and subservient to the 'original' dwelling. If that criteria is satisfied then the floorspace of the proposal should also not result in an increase in more than 50% above the original dwelling. Policy GB1b) also includes matters of openness and character and appearance, which are covered elsewhere in this decision.
6. The original building is agreed to be that which currently exists on site. It is a single storey bungalow with a low pitched roof and a floor area of 120sqm. I am not provided with figures as to its volume. The proposed development would include a small ground floor extension of 5sqm, and a first floor extension above part of the building, with a floorspace of 50sqm. The extension would incorporate a pitched roof linking to a crown roof and dormer windows.
7. In terms of the volume and size of the additions, the additional floorspace would be contained within a pitched roof and therefore it appears unlikely that this floorspace could be accommodated with a significantly smaller volume. Furthermore, the increase in floorspace would be less than a 50% enlargement. Taking into account Policy GB1c), this volume would be subservient to the size of the original dwelling and the proposed extension would not be disproportionate in size.
8. As such the extension would not result in disproportionate additions over and above the size of the original building. Consequently, it would not be inappropriate development in the Green Belt. It would therefore be in accordance with Policy GB1 of the Local Plan and the Framework in this regard, the aims of which are set out above.

Character and Appearance

9. This part of Main Road is mainly characterised by two storey dwellings, some with dormer windows at roof level, mainly in brick with pitched roofs. Whilst

the design of the dwellings is varied, these shared characteristics result in a generally coherent and harmonious character. The existing dwelling differs from this overriding character and is a flat roofed single storey bungalow. Whilst its setting within the plot is broadly in keeping with others nearby, its height and appearance are uncommon.

10. The proposed development would create a two storey, pitched roof dwelling. The extension would evidently increase the height of the dwelling, and it would be situated in a prominent position in line with the front elevation. This is notably different to the host property and therefore would not respond to the original form and appearance of the single storey bungalow. The proposed development would therefore be contrary to part of Policy GB1 b in this respect.
11. However, the creation of a two storey dwelling with a part pitched part crown roof in materials which complement the surrounding properties is in keeping with the character of the surrounding area. Full details of the materials, including the use of rag stone cladding, could be secured by condition. Therefore, the design of the resultant building would be acceptable in relation to the character and appearance of the surrounding area.
12. The site is located within the Sundridge Conservation Area (CA). This area derives its significance as a whole from its historic buildings and layout, characteristic of the evolution of this village. The group of buildings along Main Road are part of this historic evolution and they make a positive contribution due to their traditional shared characteristics. As noted above, 57A Main Road does not share their age or historic character and consequently does not make a positive contribution to the character and appearance of the CA. Furthermore, as set out above, the design of the resultant dwelling would be appropriate to the surrounding area including the significant features of this part of the CA. Consequently, the proposed development would preserve the character and appearance of the CA.
13. The site is also within the Kent Downs Area of Outstanding Natural Beauty (AONB). The Framework requires that I give great weight to conserving and enhancing landscape and scenic beauty in this area and it has the highest status of protection in relation to these issues. The appeal site sits within a row of existing development. Whilst the appeal scheme would increase the built form on this site, it would be a modest addition to an existing building within a developed area. Therefore, the proposed development would not be harmful to landscape or scenic beauty in this area.
14. There would be a clear change from the original form and appearance of the building and consequently the proposed development would not fully comply with part of Policy GB1 b. Nevertheless, the existing building does not make an important contribution to the character and appearance of this area or the CA, and the resultant dwelling would be appropriate to the character and appearance of its surroundings including the AONB and it would preserve the CA. As such, overall the proposed development would not be harmful to the character and appearance of the area. Therefore the appeal scheme would be in accordance with policies EN1, EN4 and EN5 of the ADMP. Together these require high quality design including in terms of the character of the site and surrounding area, that development conserves or enhances the character, appearance and setting of a heritage asset, and the development shall

conserve and enhance the character of the landscape within the AONB. As such, the proposed development would comply with the development plan as a whole.

Openness and Other Considerations

15. The development is not inappropriate, and the impact on openness is implicitly taken into account in this exception. Consequently, there is no requirement to assess the impact of the development on the openness of the Green Belt nor whether there are any very special circumstances.

Other Matters

16. 59 Main Road adjoins the appeal site to the west. The proposed extension would be for a limited depth beyond the rear of the property and set back from the boundary and as such would not have a harmful effect on the light to the rear windows or the garden. Furthermore, for these reasons it would be visible in peripheral views only from the rear windows. There are also side windows to no. 59 which the Council states are secondary windows to a kitchen and living room, and a bathroom window. There would be likely to be some loss of light to these windows. However, the main windows would continue to receive suitable levels of light and outlook. As such these rooms would remain adequately well lit with an acceptable outlook.
17. No windows are proposed to the side elevations, however a terrace with glazed patio doors is proposed to the rear. The proposed terrace is set in from the edges of the roof and would not create views into the adjoining houses. It would create views to the rear parts of the neighbouring gardens. However, these areas are already overlooked from windows on the existing adjoining properties, therefore there would not be a significant change to the privacy to these gardens as a result of the proposed development. Consequently, there would not be a harmful loss of privacy to the occupiers of these dwellings.
18. As such the development would be in accordance with Policy EN2 of the ADMP which, in part, requires safeguarding of residential amenities for existing occupiers including that development would not result in unacceptable loss of light or excessive visual intrusion. Nor the advice in the Residential Extensions Supplementary Planning Document (2009) (SPD) which sets criteria to consider privacy, outlook or loss of light, amongst other things.
19. Representations were made to the effect that the rights of the occupiers of No. 59, under Article 8 of the Human Rights Act 1998, would be violated if the appeal were to be allowed. However, I have found that the proposed development would not result in the neighbouring property being overlooked or overshadowed so that the neighbouring occupiers would suffer unacceptable harm to their living conditions. The development would not conflict with Local Plan Policy EN2 or guidance in the SPD. Therefore a grant of planning permission would not unacceptably interfere with the occupiers at No 59 right to a private and family life and home. It is proportionate in the circumstances to allow the appeal.
20. These matters are separate to legal rights to light which are a private legal matter. Also, matters of land stability and rights of way are also not considerations to which I can attribute any degree of weight.

Conditions

21. I have considered the Council's suggested conditions. I am attaching the standard implementation condition, and in the interests of certainty a condition to define the plans with which the scheme should accord. Details of the proposed materials, and solar panels, would be necessary in the interests of the character and appearance of the area. However, considering the materials indicated on the plans, it would not be appropriate to require that these match the existing building. As such, this condition has been amended to require details and samples. This condition is required to be pre commencement as the details would need to be agreed prior to any above ground works which, in this case would correspond with commencement. This has been agreed by the appellant.

Conclusion

22. For the reasons given above I conclude that the appeal should be allowed.

H Miles

INSPECTOR

