



Appeal Decision

Site visit made on 12 December 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal Ref: APP/G2245/D/23/3323334

Copperfield House, Rushmore Hill, Knockholt, Kent TN14 7NL

- 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 R Devine against the decision of Sevenoaks District Council.
 - The application Ref 23/00528/HOUSE, dated 23 February 2023, was refused by notice dated 4 May 2023.
 - The development proposed is demolition and rebuilding of garage; erection of a lobby between garage and dwelling and erection of a part two storey and part single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for demolition and rebuilding of garage; erection of a lobby between garage and dwelling and erection of a part two storey and part single storey rear extension at Copperfield House Rushmore Hill, Knockholt, Kent TN14 7NL in accordance with the terms of the application, Ref 23/00528/HOUSE, dated 24 February 2023, 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: CH/005 *Existing Plans and Elevations*; CH/006 *Block Plan*; CH/007 *Proposed Plans and Elevations*; CH/008 *Existing and Proposed Roof Plans*.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

Main Issues

2. The main issues in this appeal 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 effects of the proposal 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 in the Green Belt

3. The appeal property is a detached two-storey house located in the Green Belt. Policy GB1 of the Sevenoaks Allocations and Development Management Plan 2015 sets out criteria for the limited extension of dwellings in the Green Belt. This includes a requirement that the total floorspace of the proposal, together with previous extensions, alterations and outbuildings within 5m, would not result in an increase of more than 50% above the original dwelling's floorspace.
4. Together with previous extensions, the proposal would result in an increase in floorspace of approximately 169% relative to the original dwelling. The 50% threshold would therefore be exceeded by a significant margin.
5. Paragraph 149(c) of the Framework supports 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. As a consequence of the proposed floorspace increase, the proposal would conflict with Policy GB1 and therefore I consider the proposal would result in disproportionate additions over and above the size of the original dwelling.
6. On this basis, the proposal would be inappropriate development which paragraph 147 of the Framework states is harmful to the Green Belt and should not be approved except in very special circumstances.

Green Belt openness

7. Paragraph 137 of the Framework describes the essential characteristics of Green Belt being its openness and permanence and states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness has both spatial and visual elements.
8. The proposal would involve construction of two-storey and single storey extensions including a replacement garage. Whilst the proposal would involve demolition of the existing garage and single storey extensions, the proposal would result in a net increase of around 98 sqm of floorspace to the existing dwelling, with associated built volume. Therefore, the spatial impacts of the proposal would be the loss of Green Belt openness commensurate with the scale and bulk of the proposed development.
9. The appeal property occupies a large plot with a spacious rear garden and is set back from the highway by a front garden and driveway. A tall, evergreen hedge spans the front boundary between the two gated accesses. Rushmore Hill is a rural road with fast moving traffic and no pedestrian footway. Therefore, views into the site from the public highway would normally be experienced as fleeting glimpses from moving vehicles through the site's accesses.
10. The existing garage is connected to the dwelling's flank wall by a rendered brick wall with a garden gate, providing the appearance of a wide, built frontage. The proposed garage, library/lobby, and additional chimney would be partially visible through the gated accesses.
11. However, whilst the proposed replacement garage would have a similar design and form to the existing garage, it would be set further back and would be

sited closer to the dwelling. Consequently, the proposal would reduce the visual impacts associated with the scale and bulk of the existing garage which is located prominently within the site.

12. Existing dense, high vegetation screens the site's side and rear boundaries. The roof of the two-storey extension would be partly visible at an oblique angle through the narrow gap between the dwelling and the proposed garage's pitched roof, and the proposed chimney would be visible behind the roof hip. However, the rear extension would be generally obscured from view and the two-storey element would not therefore appear unduly prominent.
13. Overall, because of the proposed siting of the garage, the proposed development would provide a marginal reduction in the visual impact of built development from public vantage points, relative to the appearance and layout of the existing dwelling. However, the spatial impacts of the proposal would result in harmful loss of Green Belt openness, and therefore the proposal would conflict with paragraph 137 of the Framework.

Other considerations

14. The appellant has provided details of the grant of a Certificate of Lawful Development¹ (CLD), issued by the Council on 21 June 2022, relating to the erection of single storey side and rear extensions. The CLD confirms the proposed extensions would constitute permitted development.
15. The CLD scheme would provide additional living accommodation at the dwelling and thus would fulfil the same function as the appeal proposal. Were the appellant unsuccessful in this appeal, there would be a realistic prospect they would be inclined to construct the CLD scheme. The CLD scheme therefore represents a realistic fallback position.
16. The CLD scheme's extensions would be single storey. The parts of the extension located at the rear of the dwelling and garage would not be visible from the site's frontage. Therefore, there would be limited visual impact associated with the rear extension.
17. However, the CLD scheme's side extension would be visible from the front and would appear to broadly infill the space between the dwelling and existing garage. The CLD scheme would not involve relocation of the garage. Therefore, were the CLD scheme implemented, the dwelling frontage would appear wider and with greater bulk than the appeal proposal. Therefore, the CLD scheme would have greater adverse visual impacts, as perceived from public vantage points, than the appeal proposal.
18. Whilst the Council asserts the proposed two-storey development would contribute bulk to the dwelling, the single-storey form of the CLD scheme would increase the dwelling's footprint. Overall, the total floorspace associated with the CLD scheme would exceed that of the appeal proposal by around 9sqm, and thus would have greater spatial impacts than the appeal proposal.
19. The adverse visual and spatial impacts on Green Belt of the CLD scheme would therefore be moderately greater than those impacts I have identified in respect of the appeal scheme.

¹ LPA Ref: 22/01201/LDCPR

Whether very special circumstances exist

20. As set out above, the appeal proposal would form inappropriate development which paragraph 147 of the Framework states should not be approved except in very special circumstances. The proposal's harm is confined to its inappropriateness, and I have identified no harms in respect of other planning matters.
21. The CLD scheme provides a realistic fallback position. Implementation of both schemes would not be possible as the proposals overlap the same area of the site. Therefore, harms from each scheme can be balanced against one another.
22. Due to the similarities between the appeal proposal and CLD scheme, the difference in the magnitude of the effects on openness would be relatively small. However, paragraph 148 of the Framework instructs that substantial weight should be given to any harm to the Green Belt. Whilst the appeal scheme would harm openness, I have found the CLD scheme would have greater visual and spatial harm to Green Belt openness to which I attach substantial weight.
23. I therefore consider the fallback position provided by the CLD scheme would amount to very special circumstances which would outweigh the harm from the appeal proposal by reason of inappropriateness. In this circumstance, the Framework indicates the appeal proposal should be approved.

Conditions

24. In addition to the standard time limit of the planning permission granted, in the interests of certainty I have attached a condition specifying adherence to the approved plans. I have had regard to the Council's suggested conditions, and in the interests of maintaining the character and appearance of the area have attached a condition relating to the use of external materials.
25. I have not imposed the suggested condition relating to the removal of permitted development rights. Such a condition would not be necessary to make the appeal proposal acceptable in planning terms and therefore would not comply with the Framework. Furthermore, paragraph 54 of the Framework indicates planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Neither the Framework nor General Permitted Development Order 2015 suggest buildings within Green Belts should not benefit from permitted development rights.

Conclusion

26. I have concluded above that very special circumstances exist to justify inappropriate development in the Green Belt and there are no other matters that would lead me to reach a different conclusion. Consequently, I conclude overall that the proposal would comply with the relevant provisions of the Framework and the development plan when considered as a whole. The appeal should therefore be allowed.

E Dade

INSPECTOR