



Appeal Decision

Site visit made on 6 December 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 January 2024

Appeal Ref: APP/G2245/D/23/3317507

Gable Cottage, Fig Street, Sevenoaks, Kent TN14 6HP

- 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 Gary Matthews against the decision of Sevenoaks District Council.
 - The application Ref 22/02628/HOUSE, dated 23 September 2022, was refused by notice dated 6 December 2022.
 - The development proposed is a roof dormer to south side elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's Decision Notice as this is more accurate.
3. On 20 December 2023 the Government published a revised National Planning Policy Framework (the Framework). The revised Framework was accompanied by a written ministerial statement (WMS). Having regard to the main issues in this appeal, it has not been necessary to invite submissions from the parties on the revisions that have been made to the Framework.

Main Issues

4. The appeal site is within the Green Belt and so the main issues are:
 - Whether or not the proposed development would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies;
 - The effect of the proposed development on the openness of the Green Belt;
 - The effect of the proposed development on the character and appearance of the host property and the surrounding area; and
 - If the proposed development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposed development.

Reasons

Site and proposed development

5. The appeal property is a two-storey detached dwellinghouse. It is located at the bottom of Fig Street. The surrounding area contains a number of other dwellings of various designs and sizes. The area has a distinct rural feel, and the property is located within the Green Belt. There is a public footpath to the side of the property.
6. The proposed development involves the installation of a dormer to the roof-slope on the south elevation.

Whether or not inappropriate development

7. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 154. One of the exceptions cited is 154 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'. Policy GB1 of the Sevenoaks Allocations and Development Management Plan (2015) is consistent with the Green Belt aims of the Framework in terms of acknowledging that extensions which do not result in disproportionate additions are not inappropriate in the Green Belt.
8. The 'original building' is defined as the building as it existed on 1 July 1948 or if constructed after this date, as it was originally built. The Framework does not define what constitutes a 'disproportionate' addition. Policy GB1 requires that for extensions in the Green Belt, the design responds to the original form and appearance of the building and the proposed volume of the extension, taking into consideration any previous extensions, is proportional and subservient to the 'original' dwelling and does not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion. In order to be considered appropriate, criterion c) sets out that the total floorspace of the proposal, together with any previous extensions, alterations and outbuildings would not result in an increase of more than 50% above the floorspace of the "original" dwelling (measured externally) including outbuildings within 5m of the existing dwelling.
9. Pertinent to the proposed development, Policy GB1 also sets out that planning applications that include the addition of dormer windows or other alterations that create volume or bulk will be subject to criterion c).
10. The Council's evidence sets out that the appeal property has been extended from its original form and includes an outbuilding. Together with an extant planning consent¹, the Council calculate that the percentage increase in floorspace from the original dwelling equates to 116.11%. The appellant has not disputed the figures, and there is no evidence before me to contradict them.
11. The percentage significantly exceeds the threshold contained in Policy GB1. Although the proposed dormer window would not increase the footprint of the property, it would add additional volume, which when taken with the previous extensions and those in the extant consent, the proposed development would result in a disproportionate addition over and above the size of the original

¹ Planning Application Ref 21/00356/HOUSE

building in the terms of paragraph 154 c) of the Framework. The volumetric increase would also be contrary to Policy GB1 as set out above.

12. For these reasons, the proposal would be inappropriate development in the Green Belt. This is a matter to which I afford substantial weight in the planning balance.

Openness

13. The proposed development would not increase the overall footprint of the property. It would, however, result in a significant increase in the overall scale, mass and volume of the existing property. It therefore would have a greater impact on the openness of the Green Belt in spatial terms. I find that in light of the overall size and scale of the development, the harm to the openness of the Green Belt from a spatial aspect would be relatively moderate.
14. The dwelling is set within its own grounds and has limited visibility. The site and surrounding area contain a notable amount of landscaping. Nevertheless, the dormer would significantly increase the visual prominence of the dwelling in the Green Belt, particularly when viewed from the public footpath to the side of the property. As a domestic extension to an existing dwelling, I find that there would be moderate harm to the openness of the Green Belt from a visual point of view.
15. Therefore, overall, I consider that the effect on the openness of the Green Belt would be moderate, and I give this harm moderate weight in the appeal.

Character and appearance

16. The appeal property is somewhat tucked away at the corner of Fig Street and Fig Street Farms, where there is a triangular shaped junction. It has limited visibility from the street, including the elevation to which the dormer is proposed.
17. The roof elevation onto which the dormer is proposed has a distinctive long slope. It is clearly visible from the public footpath to the side of the property despite there being several landscape features in the surrounding area.
18. Due to its overall size and design, the proposed dormer would appear bulky and incongruous. It would span almost the full width and length of the roof slope, and would dominate this elevation of the property. It would be highly discernible from the public footpath. The fact that matching materials would be used or that there is a wide variation in design of residential properties in the area does not overcome the harm I have identified.
19. I therefore find that the proposed development would cause harm to the character and appearance of the host property and the surrounding area. It would be contrary to Policy SP1 of the Sevenoaks Core Strategy (2011) and Policy EN1 of the Sevenoaks Allocations and Development Management Plan (2015). These policies require, amongst other things, that developments are of high-quality design.
20. It would also be contrary to guidance contained in the Residential Extensions (2009) and Development in the Green Belt (2015) Supplementary Planning Documents which outlines that extensions to properties in the Green Belt should not result in a large, bulky or intrusive building.

Other considerations

21. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 continues by stating that very special circumstances will not exist unless the harm to the Green Belt by way of inappropriateness, and any other harm, is clearly outweighed by other considerations.
22. The development in this case amounts to inappropriate development in the Green Belt and the Framework requires that substantial weight is attached to the harm in that regard. It would also cause moderate harm to the openness of the Green Belt.
23. The appellant has referred to three sites where consent has been granted for various alterations, namely Penshurst Road, Redcot and West Lodge. In the examples given these initially concerned lawful development certificates, the planning merits of which are not considered against the development plan or the Framework. They may, however, form material considerations or a fallback which can be given weight in making subsequent planning decisions which is what occurred in these examples.
24. In this appeal, there is not a comparable fallback to the appeal scheme which would be of such weight to overcome the harm I have identified. I also acknowledge that permitted development rights have been removed from the property.
25. The fact that the development would not cause harm to the living conditions of the occupants of any surrounding residential properties is a neutral factor in the appeal.
26. I acknowledge that the development would provide additional living accommodation for the occupants of the property. Such personal circumstances, however, seldom outweigh general planning considerations and I therefore give them limited weight in the appeal.

Planning Balance

27. The proposal would constitute inappropriate development in the Green Belt. When considered as a whole, moderate harm would be caused to the openness of the Green Belt. There would also be harm caused to the character and appearance of the host property and the surrounding area. The substantial weight to be given to Green Belt harm arising from the proposal and the harm to the character and appearance, would not be clearly outweighed by the other considerations as outlined above. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, the proposed development would not accord with the Green Belt aims of the Framework and the Sevenoaks Core Strategy and the Sevenoaks Allocations and Development Management Plan.

Conclusion

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

A M Nilsson INSPECTOR