



Appeal Decision

Site visit made on 12 March 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2024

Appeal Ref: APP/G2245/D/23/3328814

Pounsley Studio, Pounsley Road, Dunton Green, Kent TN13 2XP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Morton against the decision of Sevenoaks District Council.
 - The application Ref is 23/01544/HOUSE.
 - The development proposed is single storey detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the proposal description from the decision notice, as this accurately represents the proposed development.
3. The appellant has submitted a revised drawing with their appeal, which shows that the proposed garage would be 5.1 metres away from the existing dwelling rather than 4.98 metres away, as shown on the plans considered by the Council. The appellant has referred me to their planning application cover letter which states that the 'proposed garage is 5m away from the existing building.'
4. Policy GB3 of the Sevenoaks District Council Allocations and Development Management Plan February 2015 (ADMP) states that outbuildings within the curtilage of an existing dwelling in the Green Belt, will be treated as an extension under Policy GB1 if the outbuilding is located within 5 metres of the existing dwelling. If the outbuilding is 'more than 5m from the dwelling' then it falls to be considered under Policy GB3. The proposal considered by the Council was not located more than 5 metres from the dwelling. As a result, the Council assessed the proposal under Policy GB1 of the ADMP.
5. I am primarily required to determine the appeal based on the plans that were considered by the Council and subject to public consultation. To do so otherwise would prejudice the Council, who have not had the opportunity to comment on the revised plan.
6. Since the Council issued its decision notice, the National Planning Policy Framework (the Framework) has been revised, with the latest version published on 19 December and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal remain broadly the same. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party has been prejudiced by my approach.

Main Issues

7. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt, having regard to any relevant development plan policies and the Framework;
- 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 area; and,
- if the proposal is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations as to amount to the very special circumstances required to justify the development.

Reasons

Inappropriate development

8. The appeal site lies within the Green Belt and consists of a detached bungalow, which is sited within a large plot. To the rear of the dwelling is a large, detached outbuilding, a tennis court and pagoda. The proposal seeks to provide a detached garage, which would be sited to the front of the dwelling. The garage would be used to store the appellant's wife's mobility scooter and other vehicles.
9. The construction of new buildings is deemed to be inappropriate development within the Green Belt, unless it falls within one of the exceptions set out in paragraphs 154 and 155 of the Framework. One exception, listed at paragraph 154 c) refers to 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 ADMP provides a local interpretation of paragraph 154 c), which in summary supports the limited extension of existing dwellings, provided the extension is proportional to the original dwelling. Policy GB1 is broadly consistent with paragraph 154 c) of the Framework.
10. The Framework does not provide a definition of 'disproportionate additions.' However, Policy GB1 of the ADMP requires that the total floorspace proposed, together with any previous extensions or alterations, should not result in an increase of more than 50% above the floorspace of the "original dwelling". The "original dwelling" is defined as meaning the dwelling as it existed on 1st July 1948. If no dwelling existed on that date, then "original" means the dwelling as first built after 1st July 1948. This definition corresponds with that set out in Annex 2 of the Framework.
11. The Council has calculated the floorspace of the original dwelling to be 124.1 sqm. The dwelling has already been extended by 107.2 sqm. The proposed development would provide a further 57.9 sqm of floor space, which would result in a percentage uplift of 133% when compared to the size of the original dwelling. These figures are not disputed by the appellant. The total floorspace of the proposal, together with any previous extensions equates to a significant increase in floor space when compared to the size of the original dwelling. This

is well in excess of the 50% limit set out in Policy GB1. As a result, I find that the proposed development would result in a disproportionate addition to the original building. For the reasons given above, I conclude that the proposed development would be inappropriate development in the Green Belt and would conflict with Policy GB1 of the ADMP and paragraph 154 c) of the Framework.

Openness

12. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Spatially, while I appreciate that the existing dwelling has a large garden, the proposed development would create additional built form on site, which would result in a spatial loss of openness. Visually, the proposed development would be sited in a prominent position in front of the existing dwelling. Although the proposed garage would be partially screened by the existing boundary vegetation, views would be available of the garage through the boundary vegetation and from the site access.
13. The proposal by reason of its size, design and siting to the front of the existing dwelling would appear visually intrusive in the street scene. Furthermore, the proposal would result in a development of excessive, scale and bulk, which would harm the openness of the Green Belt. As such, the proposal would conflict with Policy GB1 of the ADMP, which requires that proposed developments do not materially harm the openness of the Green Belt, through excessive scale, bulk or visual intrusion. The proposal would also conflict with the fundamental aim of Green Belt policy set out within the Framework, which is to keep land permanently open.

Character and appearance

14. Pounsley Road is a private, no through road, which contains a mix of dwelling types and styles. The dwellings to the south of Pounsley Road are generally set back in their plots and lie within spacious and well landscape gardens. The lack of development to the front of these dwellings provides a sense of openness and contributes to the verdant character of the area.
15. The design and external materials of the proposed garage would be in keeping with the existing dwelling. The ridge of the proposed garage would be a similar height to the main ridge of the existing dwelling. Nevertheless, the siting of the proposed garage would fail to respect the pattern of development in the area, where buildings on this side of the road are generally set well back from the highway. While the proposed garage would be partially screened by the existing soft landscaping, there would be views of the proposed garage from the road through the boundary vegetation and along the access. The proposal would result in new built development on an area, which currently contains soft landscaping and makes a positive contribution to the street scene. The development of a garage in this area, would harm the open and verdant character of the locality.
16. While there is a detached outbuilding on the opposite side of the road close to the boundary with the highway, there is limited information before me on the circumstances of this other outbuilding. The other outbuilding is more modest in size than the appeal scheme before me. It is also sited to the north of the

road, which is more densely developed. As a result, I give the other outbuilding limited weight in my decision.

17. For the reasons given above, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would fail to comply with Policy EN1 of the ADMP. This policy among other things requires that proposals respect the character of the site and surrounding area and do not result in the loss of open spaces or green infrastructure that would have an unacceptable impact on the character of the area. The proposal would also conflict with the Council's Residential Extensions Supplementary Planning Document May 2009 (the SPD). The SPD states that garages and other outbuildings should not generally be located in front of the building line and should not impact detrimentally on the space surrounding the building or the street scene.

Other considerations

18. The proposed development would provide storage for the appellant's wife's mobility scooter and other vehicles. The appellant advises that his wife has health issues and reduced mobility and uses her mobility scooter to maintain independence as much as possible. Section 149 of the Equality Act 2010 (the Act) sets out that disability is a relevant protected characteristic for the purposes of the Act. Therefore, I have had due regard to the need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it.
19. The appellant advises that the mobility scooter is currently stored within the outbuilding, which lies to the rear of the property and is either accessed via steps from the back door or via a slope from the front door. The proposed garage would be conveniently sited a short and level distance away from the front door, which would make it more accessible.
20. The proposed garage is disproportionate in size when compared to the size of a mobility scooter. The appellant advises that the proposed garage has been designed to enable the mobility scooter to turn, so that it can be driven out forwards. It is not clear from the evidence before me why a mobility scooter cannot turn on the driveway and reverse into the building, so that it can exit in a forward gear. Furthermore, if the building is used for storage of other vehicles (as the appellant suggests it would be) this would restrict turning within the garage. While I give significant weight to the personal circumstances of the appellant's wife, I do not find that a building of this size is justified and the needs of the appellant's wife could be met in an alternative, less harmful way.
21. The appellant argues that there are other dwellings that are located closer to the road than the proposed garage and are not screened by trees. However, these dwellings are sited to the north of the lane, which has a different character. They also relate to dwellings, which are materially different than an outbuilding. I therefore give this argument limited weight in my decision.

Other Matters

22. While I note that no objections were received from neighbouring residents, this does not alter my findings set out above.

Green Belt Balance and Conclusion

23. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
24. The proposal would be inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. The proposal would also cause harm to the openness of the Green Belt and the character and appearance of the area. Overall, I afford the other considerations advanced in this case significant weight in favour of the development. However, they do not outweigh the substantial weight that I am required to give to the harm to the Green Belt, by reason of inappropriateness and the other harms resulting from the proposal.
25. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the Framework, that would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed. Having regard to my duty under the Equality Act, I conclude that it is proportionate and necessary to dismiss the appeal.

A James

INSPECTOR