



Appeal Decision

Site visit made on 27 March 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2024

Appeal Ref: APP/T2215/D/23/3331442

1 Chartwell Lane, Longfield, Kent DA3 7AY

- 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 Shivani and Ritesh Kotwal against the decision of Dartford Borough Council.
 - The application Ref is 23/00435/FUL.
 - The development proposed is described on the application form as 'proposed ground floor rear and side extension, car port conversion and dropped kerb access for two cars'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of works set out above, it is clear from the plans and accompanying details that the proposed works comprise the erection of a single storey rear and side extension, alteration to front entrance including extended canopy, conversion of existing car port to gym/home office with associated alterations to elevations and boundary treatment and new vehicular crossing onto Chartwell Lane and Harrison Avenue and driveway. This more accurately and concisely describes the proposed works. The Council determined the application on this basis and so shall I.
3. A revised version of the National Planning Policy Framework was published (19 December 2023). This does not materially change the planning policy context in respect of the main issues.

Main Issues

4. 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 character and appearance of the site and surrounding area; and
 - if the 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 proposed development.

Reasons

Whether inappropriate development

5. The appeal site comprises a two-storey detached dwelling set within a garden plot. It is positioned in a prominent position at the junction of Chartwell Lane with Harrison Avenue. It is highly visible upon entering the residential development of The Chase from the B260. The planning application has been submitted, in part, due to the previous removal of permitted development rights at the site.
6. National Green Belt policy in the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved 'except in very special circumstances.' Policy DP22 of the Dartford Development Policies Plan (LP, 2017) conforms to the general thrust of national Green Belt policy.
7. There is no dispute between the Council and appellant in respect of the proposed extensions from a Green Belt perspective, which would fall under the 30% threshold under LP Policy DP22. I have no reason to disagree with those findings. However, the enclosure of the garden area and car port with a fence is a matter in dispute in Green Belt terms.
8. Paragraph 154 of the Framework sets out that the construction of new buildings in the Green Belt is to be regarded as inappropriate development. A 'building' is defined in Section 336 of the Town and Country Planning Act 1990 to include any structure or erection and it therefore includes fences and gates. Fences and gates are not explicitly cited within the exceptions included at paragraph 154.
9. Consequently, the development is inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. Substantial weight should be given to this harm. The development is contrary to the relevant provisions of LP Policy DP22 which, in summary, seeks to protect the Green Belt from inappropriate development. This is in a similar vein to the provisions of Policy M13 of the emerging Dartford Local Plan to 2037.

Openness

10. Whilst the proposed timber fencing would be solid in construction, enclosing more of the site than is currently the case, the openness of the Green Belt at the site and its immediately surrounding area is not readily discernible.
11. The site is positioned in an established residential development, surrounded predominantly by built form. The proposed fencing would be of a similar height to the existing fence and car port structure. From that perspective, and mindful of the Council's reference to Appeal decision APP/T12215/D/22/3300228, which relates to a site with a different context to that before me, there would be no clear harm to the openness of the Green Belt. Nevertheless, the lack of harm to openness does not overcome the harm identified above. This is a matter I return to subsequently. Matters of character and appearance, more generally, are discussed below.

Character and appearance

12. The proposed side extension would be highly visible from Harrison Avenue. Taken in isolation, its overall scale would be proportionate to the main dwelling and the use of matching materials would ensure that the extension would assimilate to an acceptable standard when viewed from the north. The lack of windows in the front and side elevations would not be harmful, particularly as window openings would be retained on upper levels. However, the angled section of the extension, where the side extension would meet the rear extension, would be highly visible from the south. This section of the extension would appear awkward, cramped and contrived in this location, increasing the overall bulk of the proposed extension and its dominance in the streetscene. This would have a harmful effect on the character and appearance of the site and surrounding area.
13. Notwithstanding the discussion on Green Belt, above, the proposed enclosure of the currently open-fronted car port and rear parking area would harmfully alter the relatively open aspect along the Harrison Avenue frontage and the consistent character of this part of the residential development, in which a strong sense of design uniformity is maintained. The proposal would result in the creation of a large blank and unattractive feature along this elevation.
14. Whilst the proposed driveway would change the appearance of the front of the property, resulting in the loss of existing soft landscaping features, some landscaping would be retained/provided and further details of this could be satisfactorily conditioned, together with tree protection measures. As this landscaping is within the ownership of the appellant, it could technically be removed or modified without the need for planning permission. Moreover, the driveway is described on the submitted plans as being constructed of sustainable permeable paving, which would be appropriate for a driveway of the size proposed. Further details of this could also be satisfactorily conditioned. On balance, this aspect of the scheme would be acceptable.
15. Overall, the proposed development would harm the character and appearance of the site and surrounding area, contrary to the relevant provisions of LP Policies DP2 and DP7. These policies, in summary, seek to ensure a high standard of design in development which responds to context. This is in a similar vein to the provisions of Policies M1 and M11 of the emerging Dartford Local Plan to 2037 and the Framework insofar as good design is concerned.

Other considerations

16. The Framework is clear that substantial weight should be given to any harm to the Green Belt. '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 development, is clearly outweighed by other considerations.
17. My attention is drawn to other schemes in the area, including at 16 and 29 Chartwell Lane, 10 Bradbrook Drive and at Harrison Avenue and Ightham Close. However, I have no substantive information before me in respect of those developments, including the planning context or planning balance there. Accordingly, I attach only limited weight to this consideration.
18. I note the argument put forward by the appellant that the proposed office/gym is required due to changing nature of work arrangements and the need for a

confidential space to work. However, the use of the building as an office/gym is not in dispute, rather the impact of the associated enclosure of the car port and parking area is. I therefore attach only limited weight to this consideration.

Green Belt Balance and conclusion

19. The Framework indicates that 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 the harm to the Green Belt. Moreover, the development would harm the character and appearance of the site and surrounding area. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
20. Cumulatively, I attach no more than limited weight to the benefits of the proposed development which make up the other considerations. As such, the other considerations do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.
21. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

A Price

INSPECTOR