



Appeal Decision

Site visit made on 23 April 2024

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd May 2024

Appeal Ref: APP/G2245/D/23/3332861

Hazeldene, Uckfield Lane, Hever, Kent TN8 7LJ

- 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 Mrs Waters and Mr Greenish against the decision of Sevenoaks District Council.
 - The application Ref is 23/02068/HOUSE.
 - The development proposed is extensions and internal alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - the effect on the openness of the Green Belt; and
 - would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other consideration so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether it is inappropriate development

3. The appeal site, containing a single storey dwelling with additional rooms in the roof, is located in a rural area within the Green Belt. Whilst not specifically detailed, the Council indicate that the original dwelling has undergone previous extensions to enlarge the original building, with an original floorspace of 91m² being enlarged to a floorspace of 172.5m², not including the first floor rooms within the roof space. The proposed development includes a front and a rear dormer to increase the floorspace within the roof.
4. Paragraph 154 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. These exceptions include 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 District Council Allocations and Development Management Plan 2015 (the LP) indicates that proposals to extend an existing dwelling within the Green Belt will be permitted if 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. Whilst the Framework does not specifically define a disproportionate addition, Policy GB1 of the LP is generally consistent with the Framework's approach.

5. The total floorspace of the two proposed dormers has not been provided by either the appellant or the Council, with the Council outlining that the entirety of the first floor including the dormers would have a floorspace of 137.1m². Nevertheless, it is clear from the Council's figures, which have not been contested by the appellant, that the original dwelling has undergone significant extension and alteration resulting in an increase in floorspace of more than 50%. Therefore, the proposed dormers would further increase this floorspace above the 50% limit outlined in Policy GB1.
6. Furthermore, although the additional floorspace provided by the dormers appears to be limited, the proposal would give rise to a substantial increase in the bulk and massing of built form to both the front and rear of the dwelling at first floor level, which could not be considered proportionate in size to the modest scale of the original building.
7. Consequently, the proposed dormers along with any previous extensions would result in a level of built form on the site which is disproportionate in size to the original building. It would therefore not fall under the exception in paragraph 154 (c) of the Framework, relating to the extension or alteration of a building. The proposal would therefore be inappropriate development within the Green Belt. This would be harmful to the Green Belt, which in accordance with paragraph 153 of the Framework, should be given substantial weight.

Openness

8. In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
9. The proposed dormers would introduce additional built form on the appeal site with a greater floorspace and overall massing at first floor level than the current dwelling. Therefore, the proposal would have a spatial impact on the openness of the Green Belt due to this increase in built form. In addition, although the front of the dwelling is partially obscured by existing landscaping, due to its size and height, the front dormer would be highly visible from Uckfield Lane. As such, the proposal would also visually reduce the openness of the Green Belt. Therefore, there would be both a greater spatial and visual impact on the openness of the Green Belt from the proposed development when compared to the existing development on the appeal site.
10. The Framework makes it clear in paragraph 153 that substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.

Other Considerations

11. The appellant has highlighted the neighbouring dwelling at Hillside, which they indicate was similar to the appeal building and has now been replaced with a large, two-storey structure on a small plot, approved by the Council under very special circumstances. However, these very special circumstances have not been outlined and no evidence has been provided to suggest that such circumstances also apply in this instance. Therefore, I do not afford this any weight in my consideration of the appeal.
12. In a plan submitted as part of this appeal, the appellant has also stated that they are able to build a 6m x 6m summerhouse outbuilding and a 6m x 6m office and store outbuilding, under permitted development rights. However, no evidence has been provided to suggest that the appellant intends to construct these buildings should the appeal fail. Furthermore, such structures are vastly different to what is proposed and therefore would have a very different impact on the openness of the Green Belt. As such, this attracts limited weight in support of the proposed development.
13. It is noted that the proposed development is intended to make better use of the roof space within the dwelling. This benefit is given moderate weight in my consideration of the appeal.

Green Belt Balance and Conclusion

14. The proposal would be inappropriate development in the Green Belt in that it would result in disproportionate additions over and above the size of the original building. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and the development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
15. I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with Policy GB1 of the LP which seeks to protect the Green Belt, along with paragraphs 152, 153 and 154 of the Framework and the Sevenoaks District Council Development in the Green Belt Supplementary Planning Document (SPD) 2015.
16. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR