



Appeal Decision

Site visit made on 18 June 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2024

Appeal Ref: APP/G2245/D/23/3332468

4 Knotley Hall Cottages, Tonbridge Road, Chiddingstone Causeway, Kent TN11 8JH

- 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 Andrew Major against the decision of Sevenoaks District Council.
 - The application Ref is 23/01970/HOUSE.
 - The development proposed is extensions and alterations to dwelling and associated works.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - 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

3. 4 Knotley Hall Cottages is a two-storey semi-detached dwelling set in a substantial plot including gardens to the front, side and rear. There is a shed which currently sits within the side garden. The appeal site is within a row of similarly sized dwellings lining the west side of a private lane off Tonbridge Road. The plot size and configuration, along with the surrounding countryside, give the area a spacious and verdant character.
4. The proposal seeks to remove the existing shed and rear conservatory and replace with ground and first floor rear extensions. The roof form would be altered slightly to accommodate the first-floor extension, and there would be some minor alterations to fenestration at ground and first floors. The ground floor extension would cover the full width of the ground floor and would project approximately 4.3m and 6.07m at its deepest. The first-floor extension would

be smaller, covering around half the width of the house with a lesser projection than the proposed ground floor. Materials to the front would match the existing, including red brick and clay tiles; the rear extension would be clad in grey timber.

5. Policy GB1 of the Sevenoaks Allocations and Development Management Plan 2015 (Local Plan) sets out a criteria-based approach to extensions to existing dwellings within the Green Belt. Part C of this policy requires any extensions when taken together with previous extensions, alterations and outbuildings, to be no more than a 50% increase above the floorspace of the original dwelling. The policy states outbuildings within 5m of the existing dwelling should be included in floorspace calculations.
6. Paragraph 154 of the Framework states that the construction of new buildings is inappropriate in the Green Belt, but there are a series of exceptions to this. Paragraph 154c allows for 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.
7. I note from the planning history listed in evidence¹ that planning permission was granted for a two-storey side extension and rear conservatory in 2000, then in 2006 planning permission was granted for a small two storey front extension to form a reconfigured entrance.
8. The cumulative bulk, mass and scale of the proposed extension, together with those already added to the property, along with the consequent significant uplift in floorspace leads me to conclude that the proposal would be a disproportionate addition over and above the size of the original building. I note that the parties do not dispute that the proposals would be disproportionate addition. This would run contrary to the provisions of Policy GB1 of the Local Plan and paragraph 154c of the Framework and would therefore comprise inappropriate development in the Green Belt.

Openness

9. Openness is an essential characteristic of the Green Belt; it can be perceived both spatially and visually. The proposed extensions would result in the intensification of built form over a greater footprint within the site.
10. The rear first floor extension and roof form would be visible from the side when passing along the lane, which would to a very limited degree be offset by the removal of the existing shed to the side garden. Although the shed is somewhat screened by planting to the front, the proposal would reduce the existing visual openness.
11. Overall, the harm to spatial and visual openness would be moderate due to the footprint and scale of the proposed extension.

Other considerations

12. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It advises that very special circumstances will not exist unless

¹ Planning permission references 00/02267/FUL and 06/02368/FUL

the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

13. The appellant has presented a fallback position of a single storey 6m deep rear ground floor extension. An application for prior notification of a single storey rear extension extending 6m beyond the rear wall of the original dwelling with a maximum height of 3m was submitted and determined by the Council as 'prior approval not required'².
14. The appellant points out that a lawful development certificate is not required for the development to be built providing it complies with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) and states that their intention is to go ahead with this should the appeal be dismissed. In applying for determination as to whether prior approval was required under the terms of the GPDO, I consider the appellant has demonstrated a greater than theoretical possibility that the development would be undertaken. It therefore represents a realistic fallback position and is a material consideration.
15. The fallback position comprises a slightly larger Gross External Area than the appeal proposal. According to the figures set out by the appellant, this is because the fallback scheme would retain the shed. The Gross Internal Area (GIA) of the fallback scheme and appeal scheme are similar at ground floor level, with the fallback being 1.1 sqm larger. At first floor, the GIA of the appeal scheme would be 15.9m larger than the fallback. The total GIA of each scheme is almost identical.
16. If the fallback were to be built out, the effect would be a slightly greater footprint at ground floor. However, the extension would be set back from the side elevation at ground level and neither would there be any additional bulk at first floor. The rear first floor extension in the appeal scheme would be reasonably substantial and the pitched, gable ended roof design would have the effect of making it more visible from the lane in front of the house. I therefore consider that there would be less harm to visual openness in the fallback position when compared to the appeal proposal. Although the detailed design of the appeal proposal is well considered, the flat roofed, box style extension as shown on the drawings for the fallback scheme would not cause harm to the appearance of the host dwelling, being a simple style with materials to match the existing house. For these reasons, I attach the fallback position limited weight.
17. The Council do not consider that the proposals would be harmful to the character and appearance of the area, or that any harm would arise to the living conditions of nearby residents. The evidence does not lead me to disagree with these conclusions. The absence of harm in these respects is a neutral factor which does not weigh for or against the proposal.
18. The proposal represents inappropriate development, which by definition, would be harmful to the Green Belt as described in paragraph 152 of the Framework. I have also found that there would be moderate harm to openness. The other considerations do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness and harm to openness.

² Reference 22/01527/PAE

Consequently, the very special circumstances necessary to justify the development do not exist.

Other matters

19. My attention has been drawn to an appeal decision³ where the Inspector allowed the appeal on the basis very special circumstances existed due to a fallback position that was slightly larger and considered to be of an inferior design to that appeal scheme. Whilst there are parallels in terms of the fallback position, given my findings on the relative benefits of the appeal scheme and fallback, I do not consider the appeal decision is directly relevant. I have necessarily assessed this appeal on its own merits.

Conclusion

20. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole, and the Framework. There are no other considerations that outweigh that conflict and for this reason the appeal should be dismissed.

L Francis

INSPECTOR

³ Reference APP/R0660/D/19/3240413