

Appeal Decision

Site visit made on 10 September 2024

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2024

Appeal Ref: APP/H2265/W/23/3332436

Philpots Cottage, Philpots Lane, Hildenborough, Kent, TN11 8PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs K Kendall against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/23/00676/FL is dated 27 March 2023.
 - The development is a two storey annex addition to existing detached dwelling.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issue is whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies, effect on the openness and, if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal. A second main issue is the effect on the character and appearance of the area.

Reasons

Green Belt

3. The property lies within the Metropolitan Green Belt. The Framework states that the construction of new buildings should be regarded as inappropriate in Green Belt. Exceptions to this are listed in paragraph 154 of the Framework, which includes at part (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 CP3 of the Tonbridge and Malling Borough Council Core Strategy 2007 states that national Green Belt policy will be applied to land within the Borough shown as lying within the Green Belt.
 4. The submissions from the Council explain that the original building is the detached two storey dwelling, and that this was extended sometime between 2006 and 2012 with a single storey addition to the eastern side, although no records exist for that extension. The appellant does not dispute these facts.
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The proposed extension would be attached to the single storey addition and be two storeys with pitched roof, with a scale and design similar to that of the original building.

5. There is no numerical threshold in the Core Strategy or the Framework regarding what might be considered a 'disproportionate addition', and I have not been provided with floorspace or volume figures for the previous extension or the current proposal. However, it is clear to me that the proposed extension would be a very sizeable addition to the original building: it would essentially replicate that building. Together with the previous single storey extension to the house it is apparent to me the original building would be more than doubled in volume and floorspace, which by any yardstick is a very significant increase when the objective of the Framework is to avoid disproportionate additions to the original building. The impression of being a disproportionate addition would be further emphasised due to the extension being attached to the existing single storey extension, thereby further elongating the size and form of the building away from the original core.
6. The size, siting and scale of the proposed extension would therefore represent a clearly disproportionate addition to the original building. The proposal would be inappropriate development that is, by definition, harmful to the Green Belt and in conflict with the Framework and Policy CP3 of the Core Strategy. I attach substantial weight to this harm.
7. The extension would lead to a material reduction in the openness of the Green Belt by adding a substantial volume of building to the property. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl and keep land permanently open, and that the essential characteristics of Green Belts are their openness and permanence. The siting and scale of the proposed development would directly contravene this purpose and lead to substantial harm to openness.

Character and appearance

8. The design of the proposed extension is, in itself, of traditional appearance that reflects the existing property and the wider area. However, the mirroring of the scale and size of that house, and its siting being linked by the existing single storey extension, leads to a rather elongated appearance to the building. This further emphasises the spread of development on the site by giving a somewhat disjointed appearance to the extended building, which would be harmful to the landscape character of the area, contrary to Chapter 12 of the Framework and Policy 24 of the Core Strategy that seek a high standard of design in all development proposals.

Other considerations

9. The Framework advises that 'very special circumstances' to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
10. The proposal is to provide an annex to house a family member. I concur with the Council that annexes are typically of a scale and function that are subordinate to a host property, but the scale of this addition replicates the original house. There is limited information as to why an annex of such a large

scale, relative to the house, is required. I attach limited weight to this personal circumstance.

11. There is an extant planning permission for the demolition of the existing dwelling and the erection of a replacement dwelling (ref. TM/22/00987). Submitted drawings show that the proposals would have a lower ridge height than this scheme and not be so deep. The extended property would be wider at ground and first floor, though there would be a gap at first floor within the centre of the property. The appellant states that, if the current appeal is dismissed then the extant permission will be implemented. I see no reason to doubt that claim. I therefore consider the fallback position to be a real prospect. From the information provided to me on that extant permission it is apparent there would be an impact on the Green Belt: it would increase the scale and size of building on the site compared to the existing building.
12. However, I consider any visual or spatial harm to the Green Belt caused by that permission to not be significantly more than that caused by the extension proposed in this appeal. The latter shows a house that would be notably wider than the extant permission, and the design of the extended house emphasises a spread of development over the site; the extant scheme is a more compact building mass. I therefore attach little weight to the fallback position as a matter in favour of the appeal scheme.
13. The appellant states that permitted development rights might be exercised on the extant permission once built. There is little firm information on what form these might take and consequently whether they might be lawful or a real prospect of being built. Hence, I attach little weight to those assertions, and my findings above remain unchanged.

Planning balance

14. I have assessed this appeal on the basis of its consistency with the development plan, the Framework and other material considerations. I do not consider the matters raised in support of the proposals to clearly outweigh the substantial weight which must be attached to the harm to the Green Belt by reason of inappropriateness, the harm to openness, and the harm to the landscape character of the area. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

15. For the reasons given, the conflict with national and local planning policy means that the appeal should fail.

C J Leigh
INSPECTOR