



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: 06 November 2024

Appeal Ref: APP/H2265/D/24/3339279

The Cedar Store, Postern Lane, Tonbridge, Kent, TN11 0QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Hawkins against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/23/01893/FL, dated 5 September 2023, was refused by notice dated 17 January 2024.
 - The development is a two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension at The Cedar Store, Postern Lane, Tonbridge, Kent, TN11 0QU in accordance with the terms of the application ref TM/23/01893/FL, dated 5 September 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall accord with those shown on the approved plans.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 21-082-S-01B, 21-082-P-01D, 21-082-E-01 & 21-082-P-02E.

Main issues

2. The Council are of the view that the proposed development does not constitute inappropriate development and I agree. The Council's decision then concluded that the proposed extension would be harmful to the openness of the Green Belt and to the character and appearance of the area. On this basis, the main issues are the effect of the proposal on, firstly, the openness of the Green Belt and, secondly, character and appearance.

Reasons

Openness of the 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 Delegated Report from the Council explains that the appeal property on the site is the original building, which has not been extended since it was built pursuant to the grant of planning permission. The proposed extension would be the first time the building has been enlarged, and would increase the footprint by around 37% and volume by around 28%.
5. The Council state they do not consider this to be a disproportionate addition over and above the size of the original building and that it falls within the exception set out in paragraph 154(c) of the Framework. I concur that this scale and volume point to the addition not being disproportionate to the original building. The width and depth of the extension would be less than the main house, and the roof height lower. There is an architectural distinction between the main building and the extension through the use of form and materials. I consider these matters give the impression of an extension that is not disproportionate.
6. Having found the proposal was not inappropriate, the Council's assessment within the Delegated Report then concluded that the siting and positioning of the extension would be harmful to the openness of the Green Belt. On this basis the Council stated the proposal would be contrary to Green Belt policy.
7. This is not the correct approach. In *Lee Valley Regional Park Authority v Epping Forest District Council* [2015] EWHC 1471 (Admin) it was held that, where development is found to be not inappropriate, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. The impact on openness is implicitly taken into account in the exceptions set out in paragraph 154 of the Framework unless there is a specific requirement to consider the actual effect on openness. The exception set out in paragraph 154(c) does not expressly state as a determinative factor the requirement to assess the impact of the development on the openness of the Green Belt in gauging inappropriateness.
8. Thus, consistent with the judgment in *Lee Valley Regional Park Authority v Epping Forest District Council*, having found the extension would not be a disproportionate addition to the original building, there is no place for a subsequent assessment of the effect of the development on Green Belt openness.
9. On the first main issue it is therefore my conclusion that the proposed development is not harmful to the openness of the Green Belt and so accords with the Framework and Policy CP3.

Character and appearance

10. The proposed extension would be cedar-clad, with large, glazed areas, to match the materials of the existing building. The roof is shown as sedum-covered and mono-pitch, which would complement the low profile roof of the

house. The extended house would sit comfortably within the plot and wider area, which sees a collection of buildings and houses of differing designs in a landscape of gently rolling fields and patches of woodland.

11. Section 12 of the Framework seeks to achieve well-designed places. Paragraph 135 requires developments to, amongst other matters, add to the overall quality of the area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and be sympathetic to local character and history, including the surrounding built environment and landscape setting. Policy CP24 of the Core Strategy requires all development to be well designed, of high quality, and to respect the site and surroundings. The proposed extension would satisfy these policy requirements and hence on the second main issue it is my conclusion there would not be harm to the character and appearance of the area.

Other considerations

12. The appeal site lies within an area of high probability of flooding, being in Flood Zone 3. The submissions at the application stage set out that the floor levels of the proposed extension would not be lower than existing floor levels and be above predicted extreme storm levels, with flood-resistant materials used in the ground floor garage area. The Drainage Board has stated that consent would be required for any connection to an existing watercourse, and they would require a drainage strategy. The Council did not raise any objection on flooding or drainage matters and, on the basis of the information presented to me, I similarly see no reason for an objection.
13. The location of the proposed extension is distant enough from nearby dwellings to ensure no loss of privacy or overbearing impact on the outlook of existing residents.

Conclusion

14. For the reasons given above I conclude the proposed development is consistent with the Framework and the development plan. The appeal is therefore allowed.
15. I have attached the Council's suggested conditions requiring materials to be used as shown in the submitted details, to ensure a suitable appearance to the extension, and a condition specifying the approved plans in the interests of precision.

C J Leigh
INSPECTOR