



Appeal Decision

Site visits made on 6 and 13 November 2024

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2024

Appeal Ref: APP/H2265/W/24/3343331

West Bank, London Road, Addington, ME19 5PL

- 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 Oliver Crouch against the decision of Tonbridge and Malling Borough Council.
 - The application Ref is TM/23/03374.
 - The development proposed is a replacement dwelling with new external works and landscaped garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - Whether the proposal would be inappropriate development within the Green Belt and its effect on openness;
 - Whether other considerations clearly outweigh the harm to the Green Belt and any other harm so as to amount to very special circumstances.

Reasons

Whether inappropriate development and openness

3. Policy CP3 of the Tonbridge and Malling Borough Core Strategy of 2007 indicates that national Green Belt policy will be applied. The National Planning Policy Framework establishes that the construction of new buildings should be regarded as inappropriate unless one of the specified exceptions applies. This includes the replacement of a building provided that the new building is in the same use and not materially larger than the one it replaces.
4. The appeal site was originally occupied by a modest bungalow. However, this has been demolished and work to construct a replacement dwelling, as permitted by the Council in July 2024, is well underway. According to the officer delegated report it was accepted on the basis of very special circumstances. This was due to the improvement to openness that would occur compared to previously permitted additions to the original bungalow.
5. For the purposes of this appeal, a comparison needs to be made between the original building and the proposal in order to determine whether it would be materially larger or not. It is not argued and neither would it be logical to

judge the proposal against the dwelling now under construction to decide whether it would be inappropriate development or not.

6. The floorspace figures given by the Council are not disputed. The demolished bungalow had a floor area of approximately 137 sq m whilst the proposal would be about 303 sq m which would more than double its size. The unbuilt extensions to the original bungalow are not relevant for this exercise. Furthermore, the proposal would be wider, deeper and higher than the original bungalow to a marked degree. All in all, the proposed dwelling would be materially larger than the original small bungalow as evidenced by the significant percentage increase in floor area that would result. Consequently, the proposal would be inappropriate development in the Green Belt.
7. Openness is one of the essential characteristics of the Green Belt. This would be reduced in spatial terms given that the proposal would be greater in bulk and mass than the former bungalow. However, the proposed dwelling would be part of a short line of housing and so the visual effect on the wider openness of the Green Belt would be minimal. Overall, the harm caused to it would be limited.

Other considerations

8. The other considerations put forward by the appellant contend that the proposal would replicate the scale and footprint of the original dwelling plus its proposed additions but would be a higher quality design. However, due to subsequent events, the fallback position of the original bungalow remaining and being extended is no longer possible. This point has been overtaken by the permission given for a replacement dwelling and its implementation. The visual benefits claimed will be realised in any event by the permitted house.
9. There are similarities between the proposal and the dwelling being built although the permitted dwelling is smaller with a floor area of 209 sq m according to the officer report. The main distinction is at the rear where a first-floor projection is reduced in length compared to the appeal proposal and part of the roof area is shown to be a void. In physical terms the differences would not be that great and the longer rear element would not be prominent in public views as it would be set well back from the road. As such, the appeal proposal would have little additional tangible impact.
10. However, to accept the proposal on that basis would undermine the protection that is afforded to Green Belts in national policy. The Council has already agreed to a replacement dwelling to reflect the particular circumstances at the site. It would be wrong to allow an even larger dwelling just because the increased areas would not be highly visible. Such an approach, if adopted elsewhere, could lead to the incremental enlargement of other replacement dwellings with planning permission. This would be contrary to the general restrictive approach prescribed by national policy. As such, the visual effect of the proposal, relative to the dwelling in progress, is not a matter that strongly favours it.
11. The Council is not able to demonstrate the housing land supply expected by the Government. However, the proposal would not add to the dwelling stock given that a dwelling is already under construction.

Whether very special circumstances exist

12. The proposal would be inappropriate development within the Green Belt. In accordance with the Framework substantial weight should be given to any harm to the Green Belt. In addition, there would be limited harm to openness.
13. There are no other considerations that support the proposal to any significant degree. They do not clearly outweigh the totality of harm and as a result very special circumstances do not exist.

Other Matters

14. Various other objections have been raised by neighbours including the effect on privacy and natural light, biodiversity, the hydrotherapy aqua pool that has been installed, potential future uses of the building and the disruption that building works have caused. However, as the appeal is to be dismissed there is no need to address these in detail.

Final Balance and Conclusion

15. The proposed development would conflict with the Core Strategy which endorses national policy relating to Green Belts. As there is a clear reason to refuse the development proposed because of its location within the Green Belt, the presumption in favour of sustainable development set out at paragraph 11 of the Framework does not apply. There are no material considerations to indicate that a decision should be made other than in accordance with the development plan.
16. Therefore, the proposal would be unacceptable for the reasons given and the appeal should not succeed.

David Smith

INSPECTOR