



Appeal Decision

Site visit made on 14 October 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2024

Appeal Ref: APP/H2265/D/24/3344959

Glebe Lodge, Maidstone Road, Platt, Sevenoaks, Kent TN15 8JR

- 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 Gary Ashley against the decision of Tonbridge and Malling Borough Council.
 - The application Ref is TM/23/03532.
 - The development proposed is a loft conversion and alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework (the Framework);
 - the effect of the proposal on the openness of the Green Belt; and
 - if it is inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development

4. The Framework explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
5. The appeal site comprises a detached dwelling set back from Maidstone Road. The dwelling is in a raised position with land levels decreasing significantly

down towards the access and Maidstone Road. The dwelling has a hipped roof over part of the building, with the remainder finished with a flat roof. The proposal includes the extension of the dwelling through the addition of a first floor with a half-hipped roof.

6. Policy CP3 of the Tonbridge and Malling Borough Council Local Development Framework Core Strategy 2007 (CS) establishes the extent of the Green Belt and states that National Green Belt policy will be applied. Paragraph 154 of the Framework regards the construction of new buildings as inappropriate in the Green Belt. An exception to this is 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. The Framework defines "original building" as being a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
7. Neither the Framework nor the development plan provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.
8. Planning permission was granted under reference 86/11395/FUL for a single storey extension to the dwelling. The subsequent construction of this, considerably extended the original building. The significant scale and massing of the appeal proposal would, therefore, make it a disproportionate addition to the original building when considered with this previous addition.
9. I find that the proposal would result in a disproportionate addition over and above the size of the original building. Therefore, the proposal would be inappropriate development which is, by definition, harmful to the Green Belt. Consequently, the proposal would conflict with Policy CP3 of the CS and with the Framework, which seeks to protect the Green Belt from harm.

Openness

10. The Framework identifies the essential characteristics of Green Belts as being their openness and their permanence. The dwelling is set back from Maidstone Road and is partially enclosed by trees and hedges limiting the potential for views of the development. However, the substantial additional bulk at first floor level would considerably increase the visual effect of the dwelling on the surrounding area. Moreover, whilst the footprint is unaltered, the increased scale and massing of the proposed development would result in a harmful reduction in the spatial openness of the Green Belt.
11. For these reasons, the proposal would harm the openness of the Green Belt. The development would therefore conflict with Policy CP3 of the CS and the Framework.

Other considerations

12. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm resulting from the appeal development, is clearly outweighed by other considerations.

13. I have already identified the proposal would be inappropriate development and would harm the spatial openness of the Green Belt. Consequently, I do not accept the appellant's assertion of an absence of 'actual harm' and so this consideration carries minimal weight.
14. The flat roof of the existing dwelling is unsympathetic and is uncommon within the area. While the proposal would provide a more appropriate roof form to the dwelling, the lower height and discreet position of the existing dwelling limits its visual effect within the surroundings. Consequently, while the proposal would result in a visual enhancement of the property, the benefits would be restricted by the low impact that the dwelling has on the character and appearance of the area. Accordingly, I attribute moderate weight to this consideration.
15. The appellant has drawn my attention to an appeal decision in Great Warley where the Inspector considered that the improvement of the appearance of an appeal property amounts to very special circumstances to outweigh any harm from the proposal by reason of being inappropriate. However, I have not been presented with sufficient information, including the characteristics of that site and the surrounding area, from which to draw suitable comparisons with the appeal scheme. In any case, each proposal should be considered on its individual merits and with appropriate regard to the development plan and any material considerations, which is what I have done in this case. Accordingly, this consideration carries limited weight.
16. Planning permission has previously been granted under reference TM/14/02014/FL for a pitched roof over the bungalow. The approved scheme comprised a smaller addition at first floor level, which would have a lesser effect on the openness of the Green Belt than the appeal proposal. Nonetheless, given that this permission is no longer extant, the weight I can afford it is limited.
17. The appellant has referred me to development, which has been carried out at North Downs and Meadow Cottage. However, I have not been presented with the full details of these proposals to make a suitable comparison, including in respect of the size of the original dwellings and the precise details of the very special circumstances. Therefore, I cannot be certain that the circumstances are similar to that at the appeal site. Consequently, this consideration carries minimal weight.
18. The appellant has referred to the provision of permitted development rights to allow for the enlargement and alteration of dwellinghouses. There is no substantive evidence before me to demonstrate how permitted development rights would be utilised to extend the dwelling. Furthermore, the proposal should be considered on its individual merits with appropriate regard to the development plan and any material considerations, which is what I have done in this case. Consequently, this consideration carries minimal weight.
19. The appellant states that due to a lack of affordable housing in the area, the proposal would allow for the provision of accommodation for the appellant's family. While the Council may not be able to demonstrate a five year supply of deliverable housing sites and is failing to deliver its housing requirement for the purposes of the Housing Delivery Test, the proposal for an extension to an existing dwelling would not assist in the boosting the supply and delivery of housing in the Borough. Moreover, the evidence before me does not

demonstrate whether there is a shortfall of affordable housing and that the Council is not meeting its requirements in this regard. Accordingly, the weight I can attribute to this consideration is limited.

20. For these reasons I find that the other considerations in this case, as set out above, do not clearly outweigh the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal therefore conflicts with Policy CP3 of the CS and with Paragraph 154 c) of the Framework.

Conclusion

21. The proposal would not accord with the development plan as a whole. The other considerations in this case do not indicate that a decision should be made otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR