



Appeal Decision

Site visit made on 4 December 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2024

Appeal Ref: APP/G2245/D/24/3348288

Baldwins Cottages, Lullingstone Lane, Eynsford, Kent DA4 0JG

- 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 James Birtles against the decision of Sevenoaks District Council.
 - The application Ref is 24/01193/HOUSE.
 - The development proposed is first floor rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The fact that development has been carried out is not in dispute. For the avoidance of doubt, this has had no bearing on my decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2023 (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

4. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraphs 154 and 155 of the Framework.
5. Of relevance to this appeal, paragraph 154c) provides an exception 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. Policy GB1 of the Allocations and Development Management Plan (2015) (ADMP) sets out that limited extension to dwellings in the Green Belt firstly must meet criteria which include that the proposed volume of the extension, taking into consideration any previous extensions, is proportional... to the original dwelling. If those criteria are satisfied, then it requires that the floorspace would not result in an increase of more than 50% above the floorspace of the original dwelling.

6. The original property appears to have been part of a semi detached pair of single fronted houses. 1 Baldwins Cottage had a narrow footprint with single room width across 2 floors. The parties state that its floor area was between 101-105sqm. The property has previously been extended with a part single part two storey side extension and single storey rear extension. These additions amount to a further 60-61sqm of floorspace. There is no dispute as to the lawfulness of the additions, nevertheless they are extensions to the original dwelling.
7. The development for which planning permission is sought is a first floor rear extension with around 6sqm of floorspace. Taking the smallest increase into account this would be around a 62% increase in floorspace from the original dwelling. The extension has a mainly flat roof with a small pitched element above the eaves. It changes the appearance of the previous narrow two storey outrigger with ground floor lean-to, to a larger more bulky outrigger across two storeys.
8. Therefore, taken together with the existing additions, the appeal proposal results in a substantial increase in floor area, bulk and mass over and above the size of the original dwelling, in terms of both its scale, volume and its floorspace. As such it is a disproportionate addition.
9. An appeal decision¹ has been provided where greater weight is given to the Framework than to a policy in the Bromley Local Plan which included reference to a 10% increase in floor area. However, this is a different plan and is a clearly more restrictive limit which the Inspector observes might only marginally exceed permitted development rights. Consequently, this situation is clearly different to that before me now. The Framework does not set limits as to what is considered to be proportionate, nevertheless, the ADMP provides additional detail for assessing and measuring proportionality and includes a substantial threshold. As such, based on the evidence before me in this case, it is broadly consistent with the aims of the Framework. Notwithstanding, it is clear that the extension is disproportionate in terms of its size, including its volume and external dimensions as well as its floorspace. Therefore it conflicts with both the Framework and Policy GB1 of the ADMP in any case.
10. Therefore, for the reasons described above, the appeal scheme is inappropriate development in the Green Belt both in the terms of the Framework and Policy GB1 of the ADMP, as set out above.

Openness

11. The proposed extension results in development in an area that was previously open and increases the scale, mass and amount of built form in this location.

¹ APP/G5180/X/21/3283296, APP/G5180/D/22/3291586, APP/G5180/D/22/3295837 & APP/G5180/W/22/3293877

As such there is harm to spatial openness. Furthermore, although the proposed development is not prominent in public views the increased bulk would nevertheless be seen from the neighbouring properties. Therefore, there is, albeit modest, harm to visual openness.

12. Consequently, for the reasons above, the proposed development would be harmful to the openness of the Green Belt. As such, it would be contrary to the Framework in this regard.

Other considerations

13. The extension would provide a first floor bathroom for an occupant who is disabled. However, the first floor layout prior to the extension includes a bedroom with en-suite and an en-suite has been added to bedroom two that does not fall within the footprint of the extension. There is little before me to suggest that the appeal proposal would be the only way to meet the particular needs of the appellant. The proposed development also would provide improved insulation for the building and associated improvements of energy efficiency, although this would relate to the extension only and information has not been provided regarding embodied energy. Therefore, taken together the proposed development would result in important but minor benefits.

Green Belt Balance

14. The Government attaches great importance to Green Belts. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness. There is also harm to the Green Belt due to the effect on openness. These factors weigh significantly against the proposal.
15. On the other hand, I have considered the minor benefits to energy efficiency and that the extension would provide additional accommodation for an occupant who is disabled. However, I am not satisfied that the proposed development would represent the only or least harmful option to provide the required accommodation. Dismissing the appeal would interfere with the appellant's private rights to enjoyment of their possessions, to family life and their home and the best interests of the child and I am mindful of the Human Rights Act 1998 and Article 3(1) of the United Nations Convention on the Rights of the Child and the implications of my decision on the best interests of the child or children. I have also had due regard to the protected characteristics in this appeal for the purposes of the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, including the need to eliminate discrimination and advance equal opportunity and foster good relations between those with protected characteristics and others. Nevertheless, these factors must be weighed against the wider public interest.
16. For the reasons given above, the development harms the Green Belt. I am satisfied that these legitimate aims can only be adequately safeguarded by the refusal of permission for the development that has taken place. I therefore consider that dismissing the appeal for these reasons would be a proportionate and justified outcome.
17. The other considerations outlined above do not, therefore, clearly outweigh the totality of the harm. As a result, very special circumstances to justify the development do not exist. As such, the proposed development conflicts with

paragraph 153 of the Framework and Policy GB1 of the ADMP, the aims of which are set out above.

Conclusion

18. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

H Miles

INSPECTOR