



Appeal Decision

Site visit made on 7 November 2023

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2024

Appeal Ref: APP/K2230/D/23/3322888

Earl House, Priestwood Road, Meopham DA13 0DA

- 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 and Mrs Dickens against the decision of Gravesham Borough Council.
 - The application Ref 20221198, dated 8 November 2022, was refused by notice dated 3 March 2023.
 - The development proposed is the demolition of artist's studio, oil store and porch; erection of rear extension and porch; alteration of existing porch with internal alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Government published revised versions of the National Planning Policy Framework ("the Framework") on 5 September 2023, replacing the July 2021 version extant when the planning application was determined, and again on 19 December 2023. I gave both main parties the opportunity to comment on the relevance of the amendments to this appeal, and have taken comments received into account in determining this appeal. Where I have referred to specific paragraphs of the Framework, the numbering is that of the December 2023 version.

Main Issues

3. The appeal site is in the Green Belt. Accordingly, I consider that the main issues are:
 - Whether the proposal would be inappropriate development within the Green Belt having regard to the Framework and any relevant development plan policies, and its effects on the openness and purposes of the Green Belt;
 - The effect of the proposal on the character and appearance of the host building;
 - The effect of the proposal on the local landscape character; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

4. Earl House is a two-storey detached dwelling on the eastern side of Priestwood Road near to its junction with Horns Oak Road; the entire site is within the Green Belt. The house has a ground floor of white-painted brickwork, with black-painted weatherboarding to the first floor. There is a plain tiled pitched roof, which at the rear is a "catslide" incorporating three large rooflights. The plot is generously-sized with a large lawned rear garden, though the dwelling is set close to the road frontage. Externally, a detached single timber garage, another timber shed (referred to as "the artist's studio") and concrete block enclosure ("the oil store") sit close to the south side of the dwelling. Elsewhere in the rear garden are three other outbuildings; a timber "Wendy house", and two further substantial sheds.
5. The proposed development is a rear extension to add a ground-floor kitchen/dining area within a double-height vaulted gable; the extension would also allow the headroom within an existing first-floor bathroom and bedroom to be increased, though no new rooms would be created at first-floor level. The existing rear entranceway at the south-eastern corner of the building would be reconfigured with a new porch on the southern side elevation, and an existing porch on the northern side would be replaced. The proposal also includes the demolition of the artist's studio and the oil store, as well as the Wendy house (though the last of these three proposed demolitions appears only to have been added to the scheme at appeal stage).

Whether or not inappropriate development in the Green Belt

6. The Government attaches great importance to Green Belts. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very specific circumstances, while Paragraph 154 indicates that, other than for listed exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate. One exception, provided for by Paragraph 154(c), 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 does not define the extent of additions which may or should be considered disproportionate.
7. Saved Policy C13 of the 1994 Gravesham Local Plan First Review ("the GLPFR") sets out the Council's policy for extensions to dwellings in the countryside, including within the Green Belt. Among other things, it sets a total size limit for extensions of one third of the floor area of the original dwelling (measured externally), "unless the increased floorspace has no overall effect on the existing bulk and appearance of the dwelling", so provides a local interpretation of a "disproportionate addition". The policy also provides some flexibility in respect of "extensions which provide essential basic amenities such as a bathroom, toilet or kitchen, which are currently not available or are clearly inadequate", which it states "will normally be permitted".
8. Policy CS02 of the 2014 Gravesham Local Plan Core Strategy ("the GLPCS") sets out the Council's strategic approach to the Green Belt, stating that development outside settlements "will be supported where it is compatible with national policies for protecting the Green Belt".

9. Saved Policy C13 long pre-dates the introduction of current national Green Belt policy as set out in the Framework, and in referring to the size of the “original dwelling” rather than the “original building” it might in some cases be more restrictive than the Framework. However, there is no dispute between the main parties about the appeal property as it stood on 1 July 1948 (the relevant date as defined in the Framework’s glossary), so the distinction is not significant in this appeal. In other respects, as far as this appeal proposal is concerned, both Saved Policy C13 and Policy CS02 reflect, and are consistent with, the provisions of the Framework.
10. The main parties agree that the externally-measured floor area of the dwelling in 1948 was around 104.5m²; both parties also agree that an extension built in 1978 added around 34m² to the floor area. The parties disagree about the size of an extension built in 1993 (which added a further 27m² of floorspace by the Council’s calculation, but only 22m² by the appellants’ measurement), which may stem from the Council including floor areas with less than 1.5m of headroom. They also disagree about the current appeal scheme, which the Council measures at 23.5m² of additional floorspace compared to 19.29m² calculated by the appellants. This last difference is not fully explained, but stems from the Council having included 4m² of additional floorspace at first floor level, while the appellant states that “no new first floor accommodation is proposed”. Looking at the submitted drawings the difference *may* be a consequence of the proposed removal of a second internal staircase and the subsequent reinstatement of a “missing” part of the first floor, though I cannot be certain of this.
11. The combined effect of these different approaches to measuring floor areas is that the Council considers that the appeal scheme would lead to an increase over the original floor area of around 84 percent, while the appellants consider that the increase would be around 72 percent. Either way though, even taking the smaller of these two figures, the proposed extension would exceed by a broad margin the one third limit set out in Saved Policy C13. Indeed, the appellants accept that there would be “a technical breach”, as they put it, of the requirements of that policy.
12. Looking beyond the floorspace calculations, the proposed extension would represent the creation of a substantial built volume at the rear of the dwelling, including within the open double-height area within the rear gable. The combined effect of the existing extensions and the further extension now proposed would be to significantly increase the built mass of the dwelling. In my view, however it is approached, the proposed development would represent a substantial cumulative alteration to, and expansion of, the original form of the appeal property.
13. I have also had regard to the “exception” within Saved Policy C13 which provides for new or improved bathroom facilities. I saw on my visit that the existing first-floor bathroom at the rear of the building has limited headroom across much of its area, and I agree therefore that it is inadequate in the policy’s terms. However, none of the additional floorspace proposed, and very little of the additional built volume proposed, is necessary to provide improved bathroom facilities. In my view the scheme as a whole cannot sensibly be said to fall within the scope of that exception.

14. I therefore consider that the proposed extension would represent a disproportionate addition over and above the original building. Consequently, it would not fall within the exception described in Paragraph 154(c) of the Framework, and would be inappropriate development in the Green Belt. By definition, it would be harmful to the Green Belt, and this is a matter to which I afford substantial weight in the planning balance as required by Paragraph 148 of the Framework. The development would also conflict with Saved Policy C13 of the GLPFR, and Policy CS02 of the GLPCS, which seek to protect the Green Belt within the borough in line with national policy.

Openness and purposes of the Green Belt

15. A fundamental aim of Green Belt policy, set out Paragraph 142 of the Framework, is to keep land permanently open; the essential characteristics of Green Belts are their openness and their permanence. In considering the effects of the proposed development, I have had regard to the Turner judgment¹ to which the appellant referred. The baseline for considering the effect on openness, which is the absence of development and which has both a spatial and visual aspect, must be what currently exists at the site.
16. The proposed extension would increase the amount of built form on the appeal site, and would therefore reduce the spatial openness of the Green Belt. It would also increase the depth of the appeal property. This additional built mass of the extension would be visible in some oblique public views from Priestwood Road to the south of the appeal site, though generally there would be a limited impact on public views because of the extension's position at the rear of the house. Nevertheless, there would also be some loss of visual openness of the Green Belt.
17. I address the proposed removal of outbuildings in the "other considerations" section below. Given the size of the proposed extension in the context of the Green Belt as a whole, as well as the limited and localised nature of the visual and spatial impacts, I consider that the development would cause only moderate harm to the openness of the Green Belt. Once again though, the Framework is clear that substantial weight should be given to any harm to the Green Belt.

Character and appearance

18. The proposed rear extension would be approximately 3.3m deep, 5.5m wide, and have a ridge height of around 6.34m. Although the rear ridge would be set slightly below the existing main roof ridge, this would not prevent the extension appearing as a substantial addition to the house. The projection of the large rear gable beyond the rear catslide roof would also have a somewhat unbalancing effect on the appearance of the dwelling. Overall, the proposed extension would dramatically change, and would be at odds with, the character and appearance of the existing building.
19. The proposed materials for the side walls and roof of the extension would be in keeping with those already used for the building. The rear-facing gable would have large windows giving it a more contemporary appearance than the rest of the dwelling; I do not consider that this would be a harmful factor in itself, but

¹ *Turner v. SSCLG* [2016] EWCA (Civ 466)

nor would it mitigate the harm arising from the substantial form of the extension.

20. The appellants drew my attention to changes made to the dwelling known as "Priesthood", a short distance to the south along Priestwood Road. These include the addition of a large front gable, as well as rear gables, to what was previously a modest bungalow. I was able to view Priesthood during my site visit and acknowledge that there appear to be similarities in terms of design features. However, the "before" photograph of Priesthood which the appellants provided shows that prior to redevelopment taking place it appears to have been a fairly bland, squat and unremarkable bungalow, with none of the positive character or charm which Earl House already has. While I have not been provided with full details of that development, including the Council's reasons for allowing the scheme, there appear to be substantial and significant differences such that the Priesthood permission does not set any sort of precedent in respect of Earl House.
21. I therefore conclude that the proposed development would be harmful to the character and appearance of the host building. As a result it would conflict with Policy CS19 of the GLPCS which sets out development and design principles and, among other things, seeks to ensure that new development is well-related to the character and form of adjoining buildings.

Landscape character

22. The appeal site lies within the Harvel Wooded Downs Landscape Character Area ("the LCA"). I was not provided with a full landscape character assessment document, but the Council's officer report summarises it as an area of "varied topography with steep valley sides and plateaux, ancient woodland, chestnut coppice and small paddocks and pasture, [the] traditional historic settlement of Harvel set around [a] village green, occasional traditional farmsteads and haphazard mosaic of residential plots and small holdings set within the woodland".
23. The area around the appeal property is one where dwellings are spaced intermittently alongside the narrow lanes, on plots alongside and surrounded by pastures, paddocks and woodlands. It therefore encapsulates some of the essential characteristics of the wider LCA. The proposed extension would be set at the rear of the existing house, on a plot largely enclosed by mature trees and hedgerows. Its impact on the overall landscape character would therefore be very limited, and in my view would certainly not amount to causing significant harm in this respect.
24. I therefore find no conflict with Policy CS12 of the GLPCS, which among other things seeks to ensure that the overall landscape character and values landscapes are conserved, restored and enhanced. For the same reasons, I find no conflict with the provisions of Chapter 15 of the Framework, which seek to conserve and enhance the natural environment.

Other considerations

25. As part of the development the appellants propose the removal of three outbuildings. By their calculation, the three buildings have a combined floor area of 45m²; it is therefore argued that their removal would more than offset

the 19.29m² floor area of the proposed extension, reducing the spread of built form across the site and enhancing the openness of the Green Belt.

26. I accept that, in floorspace terms, that would be true. However, because of the double height space proposed extension within the proposed extension, and as I have already discussed above, there would be an increase in built volume on the site which would not reflect the relatively limited increase in floorspace proposed. I have not been provided with volumetric calculations either for the extension or the existing outbuildings. Given the proposed form of the extension I cannot be sure that it would actually be offset by the removal of the outbuildings, and I therefore also cannot be sure that the openness of the Green Belt might be enhanced in the way the appellants suggest.
27. In any case, even if I were sure on that point, there would need to be certainty that the compensatory removal of outbuildings could be secured. The appellants have referred me to two cases – a 2013 appeal decision relating to a site within Welwyn Hatfield borough², the other a 2019 grant of planning permission by Sevenoaks District Council³ - where the removal of outbuildings was considered. The Welwyn Hatfield appeal decision does not include any mechanism to secure the removal of outbuildings; I have not been provided with full details of that scheme, and it may of course be that the proposed layout meant that a mechanism was not necessary. The Maidstone permission includes a condition requiring outbuildings to be removed before the “main” development proceeds above the damp course level, and the appellants have suggested that I could impose a similar condition in this case.
28. In my view, such a condition does not offer the certainty required. It would be quite feasible to erect other outbuildings on the site using permitted development rights ahead of the commencement of development. While I do not of course suggest that the appellants would intend to do such a thing, the intent of the condition could potentially easily be bypassed in such a way. The same can be said of the proposed imposition of a further condition removing permitted development rights – even if I concluded that such a condition was necessary to protect the openness of the Green Belt, it would not take effect until the commencement of development. The removal of outbuildings *could* be secured more effectively by a legally-enforceable planning obligation in the form of a unilateral undertaking, but there is no such obligation before me.
29. In the circumstances, I therefore give the proposed removal of outbuildings, and the related suggested removal of permitted development rights, only limited weight in the overall balance, as I cannot be certain that they would have the intended effect.
30. The proposed extension would allow for improved headroom within the existing first-floor bathroom (which would become an ensuite bathroom) and facilitate the conversion of an adjoining bedroom to a family bathroom. I saw on my site visit that both of these rooms have limited headroom across much of their area at present. The scheme would improve this situation considerably, facilitating the use of the dwelling as a home for a multi-generational household. This would be a considerable benefit to the appellants and their family.

² PINS Ref: APP/C1950/D/13/2194386

³ LPA Ref: 19/02699/HOUSE

31. However, and as I have already described above, the proposed scale of the extension goes way beyond what is needed simply to provide improved bathroom facilities for the family. While I am sympathetic on this point, and acknowledge the need to improve this aspect of the accommodation, this is a factor which in my view can therefore only carry moderate weight in favour of the proposal as a whole.
32. The appellants state that the development would include solar panels and storage battery, an air source heat pump, and that the existing block-paved drive would be replaced with a more permeable gravel surface. I acknowledge that these features would be likely to markedly enhance the environmental performance of the property, and I also note that the latest iteration of the Framework states at Paragraph 164 that in making planning decisions significant weight should be given to the need to support energy efficiency and low carbon heating improvements to existing buildings. However, with the obvious exception of the solar panels (which would be placed on the south-facing roof slope of the rear extension), it has not been demonstrated that the proposed development is necessary to support the provision of these improvements. I therefore also give these proposed enhancements moderate weight in the overall balance.

Planning Balance and Conclusion

33. The proposed development would be inappropriate development in the Green Belt, and would cause moderate harm to the openness of the Green Belt, conflicting with Saved Policy C13 of the GLPFR and Policy CS02 of the GLPCS, which seek to protect the Green Belt. These are matters to which I attach substantial weight, as required by Paragraph 153 of the Framework. In addition, the proposed extension would cause some harm to the character and appearance of the host building, and there would be further conflict with the development plan in this regard.
34. The proposed development would not be harmful to the local landscape character, but a lack of harm in this respect is a neutral factor in the overall balance. I have considered and weighed the other considerations in the scheme's favour which have been put to me by the appellants, but for the reasons I have described above these carry in total only moderate weight for the proposal.
35. The substantial weight to be given to the Green Belt harm, and the other harm arising from the development identified above, is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector