

OUR REF: PR3259/SC

PLANNING DESIGN & ACCESS STATEMENT

VALLEY VIEW WRANGLING LANE LUDDSDOWN DA13 0XF

1 INTRODUCTION

- 1.1 This statement is prepared in support of a householder planning application submitted on behalf of Dr. Shirin Lakhani for the;

Construction of 2no. dormer windows to the front (south-east) elevation, carrying out of hip-to-gable roof extensions to the south-west and north-east elevations and associated alterations to these elevations, enlargement of the existing basement area (and provision of new windows) and existing ground floor terrace on the south-east side of the dwelling together with associated internal alterations to the dwelling.

2 SITE CONTEXT

- 2.1 The application property, Valley View is situated to the north-west of Wrangling Lane to the south-west of Luddesdown and Great Buckland. It lies on the north-western side of a dry valley within the dip slope of the North Downs. Wrangling Lane runs along its north-eastern side just above the valley floor.
- 2.2 The property sits within the designated Kent Downs Area of Outstanding Natural Beauty (AONB) and the Metropolitan Green Belt. Valley View is bounded to its north, north-west and south-west by woodland, that comprises a Local Wildlife Site (LWS). Some of the woodland is classified as Ancient Semi-Natural Woodland.
- 2.3 The property, a detached house, is situated on the north-west side of the valley on higher land than the valley floor and Wrangling Lane (between 10-15m above the lane and valley floor) but at a considerable distance from Wrangling Lane (approximately 112m). It is set within spacious grounds of around 0.5ha in area with additional land lower down the valley slope of around 0.9ha comprising paddocks and a large pond. The site is well screened from the lane even in the winter months.
- 2.4 The upper floor of the house is largely set within the roofspace with the bedrooms lit by a number of dormer windows of differing sizes. The majority of the upstairs rooms are therefore affected by low headroom rendering their use difficult and impracticable. The house also has a basement that is currently very compartmentalised with varying head heights. To the NNE of the house is a detached double garage with a stable block to its north (rear). There is also a triple garage located to the SW of the house.

3 PLANNING HISTORY

- 3.1 The previous planning history relating to the property is as follows.

20030379: Erection of two storey rear extension to form enlarged kitchen, and covered area with bedroom and balcony over; construction of 2 mini- dormer windows in the south-west side roof slope, a dormer window in the north-east side roof slope and two dormer windows in the front roof slope with velux windows on the existing north east and south west roof slope and conversion of roof space into three bedrooms, bathroom and en-suite bathroom and erection of an open-fronted porch on the south-west side elevation: APPROVED 23/06/2003

20030681: Erection of a detached triple garage to the side: APPROVED 06/10/2003

20040978: Erection of a block of two stables: APPROVED 24/12/2004

20060255: Construction of dormer window to replace two velux windows in south west roof slope: APPROVED 05/05/2006

20070026: Construction of dormer window in north eastern roof slope to replace existing rooflights: APPROVED 28/02/2007

20080956: Erection of two storey side/rear extension to provide a granny annexe comprising living room at ground floor level with bedroom and ensuite bathroom/wc at first floor level: REFUSED 18/12/2008

20090978: Application for Lawful Development Certificate for the proposed erection of single storey rear extensions to form a garden room and an enlarged utility room: GRANTED 29/01/2010

20100332: Erection of single storey rear extensions to form a garden room and an enlarged utility room APPROVED 15/06/2010

20150329: Construction of a dormer window in the side (north eastern) roof slope to ensuite bathroom: APPROVED 16/06/2015

20210707: Application for a Lawful Development Certificate in respect of the proposed erection of a garden room/gym: GRANTED 26/07/2021

- 3.2** The permission granted under application 20030379 was subject to a condition that removed permitted development rights for roof extensions and alterations under Class B of Part 1 of the General Permitted Development Order. The permission granted under application 20100332 contained a condition that removed permitted development rights under Classes A and B of Part 1 to the General Permitted Development Order, for alterations and extensions to both the dwellinghouse and its roof.

4 PROPOSALS

- 4.1** Full planning permission is sought for the

Construction of 2no. dormer windows to the front (south-east) elevation, carrying out of hip-to-gable roof extensions to the south-west and north-east elevations and associated alterations to these elevations, enlargement of the existing basement area (and provision of new windows) and existing ground floor terrace on the south-east side of the dwelling together with associated internal alterations to the dwelling.

- 4.2** The proposed hip-to gable changes have allowed for the provision of full height glazing on the south-western elevation which houses the main entrance to the house to allow greater light into the hallway which has been re-arranged internally to provide a new staircase to the first floor and to allow internal access to the basement to be provided. Currently only external access to the basement is possible.

- 4.3 The current external wall of the basement will be moved outwards by approximately 1.5m and the existing terrace extended over it by the same amount. Two new windows will be inserted into the south-east facing wall of the basement under the terraced area. Whilst there are no windows serving the basement at the moment, the approved drawings for the implemented development approved under application 20030379 indicated that two windows were to be inserted into the basement on this elevation. These could still lawfully be inserted.

5 PLANNING POLICY

- 5.1 Section 38(6) of the Planning and Compensation Act 2004 requires that where regard is had to the Development Plan decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The statutory Development Plan for the District comprises the Core Strategy 2014 and the saved policies of the Gravesham Local Plan First Review 1994.
- 5.2 Relevant policies in the Core Strategy are policy CS01 (relating to sustainable development that reflects the advice in the NPPF and the presumption in favour of approving development that accords with the development plan), CS02 (Scale and location of New Development), CS19 Development and Design Principles (Sets out general design principles to which new development should seek to comply). The relevant policy in the Gravesham Local Plan First Review 2014 is Policy C13, which covers extensions to dwellings in the countryside. The policies are attached at **Appendix One**.
- 5.3 The National Planning Policy Framework (NPPF) 2021 is also relevant as a material consideration. Paragraph 7 advises that the fundamental basis of the planning system is to achieve sustainable development and paragraph 8 outlines the three integral and intertwined overarching objectives in pursuit of sustainable development (economic, environmental and social). Paragraphs 10 and 11 set out a presumption in favour of sustainable development and advise that proposals should be approved without delay where they are in accordance with an up-to-date development plan or in cases where the development plan policies are not up-to-date or are silent unless there would be unacceptable harm to specified areas (such designated Green Belt land or land within AONBs) or where the disadvantages of granting permission significantly and demonstrably outweigh the benefits.
- 5.4 Chapter 13 of the NPPF covers the protection of Green Belt land in respect of which, the protection of the function of the Green Belt and maintenance of openness is of great importance and weight. Green Belts have five main functions as set out in NPPF paragraph 138 as follows.
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 5.5 Paragraph 147 of the NPPF advises that inappropriate development is by definition harmful to the Green Belt. Paragraph 148 sets out the types of development that may be considered as appropriate development which includes inter-alia extensions to existing buildings provided that certain caveats are met.
- 5.6 The implications of the site's Green Belt location are addressed in detail later in this statement proposed development.
- 5.7 Paragraphs 176 and 177 of the NPPF provide advice for the consideration of proposals in protected and designated areas such as AONBs.

PLANNING ISSUES

- 6.1 Whilst each application has to be looked at on its own merits, the same four determining issues identified by the Inspector in relation to a 2017 appeal relating to the property 'Drysdale' located further north on Wrangling Lane (see **Appendix Two**) would apply to Valley View.

1. Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant Development Plan policies.
2. The effect of the proposed extension on the openness of the Green Belt.
3. The effect of the proposed extension on the character and appearance of Wrangling Lane, within the Kent Downs Area of Outstanding Natural Beauty and the Luddesdown Down landscape character area.
4. Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations? If so, would this amount to the very special circumstances required to justify the proposal.

Is the development inappropriate development

- 6.2 Paragraph 149 of the NPPF sets out the following as an exception to the general presumption that new building in the Green Belt amounts to inappropriate development.

'149. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

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;'

- 6.3 In principle therefore, an extension to the existing dwelling may not by definition automatically be considered as inappropriate development according to paragraph 149(c).
- 6.4 To assist in the consideration of whether the proposed development is inappropriate in terms of paragraph 149 it is necessary to look at the relevant saved policy C13 of the

Gravesham Local Plan (see **Appendix One**) which was retained when the Core Strategy was adopted in 2014.

- 6.5** The policy refers to proposals for an increase of floorspace by up to a third of the gross floor area of the original dwelling prior to any extension as potentially being acceptable unless the increased floorspace has no overall effect on the existing bulk and appearance of the dwelling (criterion (ii)) and if the appearance, massing, scale, form and materials of any extension are appropriate to the existing dwelling and the Green Belt setting (criterion (vi)).
- 6.6** Policy C13 was adopted in 1994 and thus very considerably pre-dates the NPPF. It was subject to an informal review by the Council in 2019 who considered it still to be partially compliant with the NPPF. The Council commented that;

Criterion (ii) provides an indication of what is considered to be a proportionate extension i.e. no more than one third of the gross floor area of the original dwelling. When assessing whether a proposed extension is a disproportionate addition to the original building, consideration is also given to other factors including the footprint, volume and height of the proposed addition/extension in relation to those of the original building would come into play.

Only limited weight can be given to criterion (iii) if it results in disproportionate additions over and above the size of the original building. The provision of extensions to provide essential basic amenities may be taken into account as a "very special circumstance."

Notwithstanding the informal review, which was not subject to independent examination of any kind, it remains the case that the policy is now some 27 years old and thus largely if not completely out of date. The NPPF also does not specify a particular maximum increase. However it is the only adopted policy against which proposals can be assessed.

- 6.7** Criteria (i), (iii), (iv), (v) and (vii) of policy C13 are met or not applicable to the current proposals. Criterion (ii) states that there will be an overall limit of one third of the gross floor area of the original dwelling (measured externally) prior to any later extension or alteration, unless the increased floor-space has no overall effect on the existing bulk and appearance of the dwelling; and criterion (vi) states that the appearance, massing, scale, form and materials of any extension shall be appropriate to the existing dwelling and the Green Belt setting.
- 6.8** The building in its original form extended to approximately 155m² in area. It has since been extended by the conversion of the existing roofspace (useable area approximately 65m² but mostly floorspace that existed, the dormer windows adding minimally to useable space) and a two storey rear extension (approximately 46m²) following the 2003 permission, as well as a later garden room on the north-west corner (approximately 20sqm). The dwelling has already clearly been extended

beyond the one third threshold overall, even if the roof conversion approved in 2003 is discounted.

- 6.9** However, in terms of criterion (ii) it is also necessary to consider whether the increased floorspace has no overall effect on the existing bulk and appearance of the dwelling.
- 6.10** The extension to the basement will have no discernible impact on the existing bulk and appearance of the dwelling when viewed from public vantage points or indeed from within the site itself.
- 6.11** The hip-to-gable roof extension and the resultant change to the location of the existing dormer windows from the south-west and north-east elevations to the south-east elevation where they face towards Wrangling Lane, would have some impact on the appearance of the dwelling as the form and profile of the roof would clearly change, when viewed from the Lane, albeit at a considerable distance and in glimpses only and with the building set against a background of a wooded valley side. As such it is accepted on-balance the proposed development would have some (albeit minimal) effect on the bulk and appearance of the dwelling and as such could be considered as inappropriate development.

Impact on openness

- 6.12** The context of the site and how it is thus perceived is of a well screened and relatively isolated (in the sense it is not immediately adjoined by neighbouring development as well as its physical location) rural dwelling that sits within a large and spacious curtilage at a considerable distance from Wrangling Lane, with a substantial tract of open land and a pond between it and the Lane. There is landscaping within the site itself between the 'residential' portion of the site and the wider land under the control of the applicant. Wrangling Lane is heavily treed on both sides with minimal gaps that only provide glimpses of the dwelling on the valley side even in the winter months. The horizontal and vertical alignment of the Lane is such that the dwelling is not readily visible in long, medium or short distance views. The dwelling and its associated outbuildings, where they are visible, are seen against the backdrop of the extensive woodland that borders the site on three sides and which continues to the top of the valley sides and beyond.
- 6.13** The alterations to the basement will have very limited discernible impact on openness. The insertion of the windows may be a change that might draw greater attention to the basement. However, the extension to the basement will be read as an integral part of the building and in any event will be seen at a distance of some 110m to 112m from Wrangling Lane which is the closest public vantage point and they will be in the shadow of the terrace over. Furthermore, windows have previously been approved in this part of the building and it is still the case that they could be lawfully inserted at any time, since the associated permission has itself been lawfully implemented.
- 6.14** In the context of the substantial plot on which the building currently sits together with the associated land sited between the residential land and the highway of Wrangling Lane, a 1.5m extension to the building will not have an adverse impact on openness.

- 6.15** The changes to the roof profile through the hip-to-gable alteration and the insertion of the two dormer windows into the south-east elevation will have a potentially greater impact on the appearance of the dwelling than the basement changes, as the alterations are set higher on the building and in theory potentially more visible.
- 6.16** However, the house itself will not increase its overall footprint as a result of the hip-to-gable changes. The existing dwelling ‘blends-in’ to the background of the valley side behind and its roof structure and form are seen against this. This will continue to be the case should the alterations occur.
- 6.17** The proposed alterations to the roof will not significantly impact on the openness of the site per-se, due to the location of the dwelling within the valley side, with the first floor addition being aligned north-south along the valley, the presence of substantial foliage preventing long views and the first floor additions being largely subsumed into background tree growth in other views all limit the perception of the proposal reducing openness.
- 6.18** There would be a reduction in openness as a matter of fact, but there would be no adverse effect on the five purposes of the Green Belt as the addition does not represent encroachment into the countryside, and the others do not apply to this location.
- 6.19** To conclude on the issue of openness, in addition to the harm by reason of being inappropriate development in the Green Belt, there would be a limited reduction in openness in a similar manner described by the ‘Drysdale’ Inspector.

Impact on the AONB and character and appearance

- 6.20** The relevant Development Plan policies here are CS12 and CS19, as well as criterion (vi) of Policy C13. Chapter 12 of the NPPF is also relevant.
- 6.21** The existing building is unremarkable in terms of its design. The proposed alterations will significantly improve its presence and presentation, introducing features of architectural interest, thus lifting the dwelling in terms of its visual quality and appearance. The marginal increase in bulk that counts against compliance with Policy C13 criterion (ii) does, as a matter of fact, result in a far more attractive building in the terms of criterion (vi).
- 6.22.** The proposed appearance, massing, scale, form and materials would be appropriate to the existing dwelling and would not cause visual harm to the Green Belt, the Area of Outstanding Natural Beauty or the landscape character of the Luddesdown Downs, maintaining and enhancing the character of sparse and distinctive built development. In addition to compliance with Policy C13(vi) the proposal would accord with Policies CS12 and CS19 and the design is of the standard sought in the NPPF.

Other considerations and Very Special Circumstances

- 6.23** Harm has been found to the Green Belt through being inappropriate development and through a reduction in openness, although the latter is very limited in terms of its visual effect. Paragraphs 147 and 148 of the Framework state that inappropriate

development should not be approved except in very special circumstances, which will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 6.24** The conclusion with regard to the effect on the character and appearance of the area is that the proposed additions would enhance the form and architectural interest of the building introducing interest and vitality to the building. This enhancement is a consideration of substantial weight.
- 6.25** A Certificate of Lawful Development (reference 20210707) in respect of the proposed erection of a garden room/gym was granted on 26 July 2021. This shows a building located to the north-west of but within 20m of the existing house on higher ground than the house. It is of some 70m² in area and would have a volume of approximately 230m³.
- 6.26** Visually this approved building would significantly erode the open space in the area of the curtilage to the north of the dwelling due to its north-south orientation and location to the rear of but between the house and the property boundary. The erection of this building would therefore result in a much greater impact on the openness of the Green Belt and also result in a greater area of the curtilage of the property within the AONB being developed. It is also of a greater footprint than that of the proposed alterations to the dwelling.
- 6.27** The applicant is willing to accept a condition to the effect that should the development being applied for in this application be approved and implemented, then the building approved under application 20210707 would not be implemented and furthermore would also be content to accept a condition removing Schedule 2 Part 1 Class E General Permitted Development Order permitted development rights for further curtilage buildings.
- 6.28** On a practical note the proposed hip-to gable alterations will enable the two existing bedrooms to be more effectively used and provide enhanced accommodation for the applicant's family through the increase in internal headroom. This is achieved without an increase in the overall footprint of the dwelling or the proportion of the existing plot it occupies.
- 6.29** In the Green Belt balance, whilst the harm to the Green Belt carries substantial weight, there is no other identified harm and the considerations over the enhancement of the building and its setting, including the non-implementation of the approved garden curtilage building and removal of Class E permitted development rights lead to the conclusion that the harm is clearly outweighed by other considerations, so that the very special circumstances required in order to allow the development have been shown to exist.

Other matters

- 6.30** The proposed development would not result in any impact on the local highway network. Furthermore, there are no neighbouring properties that would be affected by the development and the proposed changes to the house.

7.0 PLANNING BALANCE AND CONCLUSIONS

- 7.1** The proposals would not be in conflict with the five purposes of the Green Belt as set out in paragraphs 138 of the NPPF. This weighs heavily in favour of the proposals.
- 7.2** Whilst the identified harm to the Green Belt carries substantial weight, there is no other identified harm and the considerations over the enhancement of the building and its setting, including the non-implementation of the approved garden curtilage building and the proffered removal of Class E permitted development rights which would arguably have a potentially greater impact on openness in the long-run, lead to the conclusion that the harm is clearly outweighed by other considerations.
- 7.3** We would invite the Council to consider the very special circumstances in this case as set out above and would contend that when weighed with the other relevant planning considerations that have been examined together these are sufficient to merit planning permission being granted in this case.
- 7.4** For all these reasons, the Council are respectfully requested to grant planning permission for this development

APPENDIX ONE

DEVELOPMENT PLAN POLICIES

CORE STRATEGY 2014

Policy CS01: Sustainable Development

4.1.6 Planning applications that accord with the policies in the development plan for Gravesham will be approved without delay, unless material considerations indicate otherwise.

4.1.7 When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and in this Core Strategy. It will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

4.1.8 Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted.

Policy CS02: Scale and Distribution of Development

4.2.24 The development strategy for the Borough is to retain and improve the existing stock of housing and suitable employment land and to make provision for the Borough's objectively assessed need for at least 6,170 new dwellings delivered at a variable rate as follows; at least 325 dwellings per year for 2011/2012 – 2018/2019, at least 363 dwellings per year for 2019/2020 – 2023/2024, at least 438 dwellings per year 2024/2025 – 2027/2028, and at least 186,490 sq m gross employment floorspace (within use classes B1, B2 and B8) during the plan period.

4.2.25 Development will be distributed throughout the Borough as follows: around 3,890 new dwellings and around 186,490 sq m gross employment floorspace (within use classes B1, B2 and B8) will be provided in the Opportunity Areas at Northfleet Embankment and Swanscombe Peninsula East; Gravesend Riverside East and North East Gravesend; Ebbsfleet (Gravesham) and Gravesend Town Centre and on land at the Coldharbour Road Key Site; around 2,280 new dwellings will be provided on other sites in the urban area and rural settlements inset from the Green Belt.

4.2.26 The strategy prioritises development in the urban area as a sustainable location for development. This will be achieved by:

- Promoting regeneration by prioritising the redevelopment and recycling of underused, derelict and previously developed land in the urban area. This will be principally through redevelopment of former industrial sites in the Opportunity

Areas of Northfleet Embankment and Swanscombe Peninsula East, and Gravesend Riverside East and North East Gravesend to create new residential neighbourhoods and employment areas;

- The continued development of a new sustainable mixed use community in the Ebbsfleet (Gravesend) Opportunity Area, which will include the provision of high quality employment floorspace;
- Revitalising the Gravesend Town Centre Opportunity Area as a focal point for retail, leisure, cultural and tourism facilities and small scale office provision to serve the needs of the Borough whilst preserving and enhancing its character as a riverside heritage town; and
- Bringing forward a range of suitable sites in other parts of the urban area for residential and employment development, including Land at Coldharbour Road Key Site.

4.2.27 In the rural area, development will be supported within those rural settlements inset from the Green Belt and defined on the Policies Map. Development outside those settlements, including affordable housing and proposals to maintain and diversify the rural economy, will be supported where it is compatible with national policies for protecting the Green Belt and policies in this plan. The extent of the Green Belt is defined on the Policies Map. A strategic Green Belt boundary review will be undertaken to identify additional land to meet the housing needs up to 2028 and to safeguard areas of land to meet development needs beyond the plan period, while maintaining the national and local planning purposes of the Green Belt.

Policy CS12: Green Infrastructure

5.7.22 A multifunctional linked network of green spaces, footpaths, cycle routes and wildlife stepping stones and corridors will be created, protected, enhanced and maintained. The network will improve access within the urban area, from the urban area to the rural area and along the River Thames. The key parts of the network are identified on Figure 19: Strategic Green Infrastructure Network.

5.7.23 Sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites, followed by nationally designated Sites of Special Scientific Interest, followed by Local Wildlife Sites and then by other areas of more local importance for biodiversity.

5.7.24 There will be no net loss of biodiversity in the Borough, and opportunities to enhance, restore, re-create and maintain habitats will be sought, in particular within the Biodiversity Opportunity Areas shown on the Strategic Green Infrastructure Network map and within new development.

5.7.25 Where a negative impact on protected or priority habitats/species cannot be avoided on development sites and where the importance of the development is considered to outweigh the biodiversity impact, compensatory provision will be required either elsewhere on the site or off-site, including measures for ongoing maintenance.

5.7.26 The overall landscape character and valued landscapes will be conserved, restored and enhanced. The greatest weight will be given to the conservation and enhancement of the landscape and natural beauty of the Kent Downs Area of Outstanding Natural Beauty and its setting. Proposals will take account of the Kent Downs Area of Outstanding Natural Beauty Management Plan, the Gravesham Landscape Character Assessment, and the Cluster Studies where relevant.

Policy CS19: Development and Design Principles

5.15.14 New development will be visually attractive, fit for purpose and locally distinctive. It will conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards. The design and construction of new development will incorporate sustainable construction standards and techniques, be adaptable to reflect changing lifestyles, and be resilient to the effects of climate change. This will be achieved through the criteria set out below:

- Using the collaborative approach advocated in Building for Life 12 and in line with the guidance set out in Kent Design, the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. Account will be taken of the scale, height, building lines, layout, materials and other architectural features of adjoining buildings. Account will also be taken of the wider site context, including strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place;
- New development will encourage sustainable living and choice through a mix of compatible uses which are well connected to places that people want to use, including the public transport network, local services and community facilities; encourage sustainable travel; enhance Green Grid links and encourage healthier lifestyles;
- New development will be located, designed and constructed to:
 - safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land;
 - avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution, and land contamination; and
 - not pose an unacceptable risk or harm to the water environment, including the quality and/or quantity of ground waters, surface waters, wetlands and coastal water systems;
- The design and layout of new residential development, including conversions, will accord with the adopted Residential Layout Guidelines;
- New development will be designed in an inclusive way to be accessible to all • members of the community;
- New development will provide appropriate levels of private and public amenity • space;
- New development will include details of appropriate hard and soft landscaping, public art, street furniture, lighting and signage and will ensure that public realm

and open spaces are well planned, appropriately detailed and maintained so they endure;

- Car parking will be well related to the development it serves;
- New development will protect and, where opportunities arise, enhance biodiversity and the Borough's Green Infrastructure network. Support will be given to environmental enhancements where opportunities arise;
- New development will be fit for purpose and adaptable to allow changes to be made to meet the needs of users;
- The design and layout of new development will take advantage of opportunities to build in resilience to the effects of climate change. This will include protection against flood risk, where relevant, delivering carbon reduction, provision for low carbon and renewable energy, and minimising energy consumption and water use;
- New development will incorporate appropriate facilities for the storage and recycling of waste; and
- The layout of new development will create a safe and secure environment and provide surveillance to minimise opportunities for crime and vandalism.

GRAVESHAM LOCAL PLAN FIRST REVIEW ADOPTED NOVEMBER 1994

Policy C13

Extensions to dwellings will be considered on their merits but the Borough Council will expect the following criteria to be satisfied:-

- (i) The existing dwelling must be an "original dwelling"* in permanent use as a dwelling.*
- (ii) There will be an overall limit of one third of the gross floor area of the original dwelling (measured externally) prior to any later extension or alteration, unless the increased floorspace has no overall effect on the existing bulk and appearance of the dwelling.*
- (iii) Those extensions which provide essential basic amenities such as a bathroom, toilet or kitchen, which are currently not available or are clearly inadequate, will normally be permitted.*
- (iv) The extension shall not be in a form which would facilitate the future formation of a separate residential curtilage.*
- (v) The dwelling to be enlarged must have sufficient curtilage to accommodate the extension without undue visual intrusion into the open countryside.*
- (vi) The appearance, massing, scale, form and materials of any extension shall be appropriate to the existing dwelling and the Green Belt setting.*
- (vii) Proposals for domestic garages and for other outbuildings will be considered on their individual merits but will be required to be well designed, discreetly sited and subservient to the scale of the main dwelling on the plot.*

APPENDIX TWO

Drysdale House, Wrangling Lane, Luddesdown DA13 0XF
Appeal decision dated 29 November 2017

GBC ref: 20161157

PINS ref: APP/K2230/W/17/3179791



Appeal Decision

Site visit made on 21 November 2017

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29th November 2017

Appeal Ref: APP/K2230/W/17/3179791

Drysdale House, Wrangling Lane, Luddesdown DA13 0XF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Trevor Forrest against Gravesham Borough Council.
 - The application Ref 20161157, is dated 28 November 2016.
 - The development proposed is erection of a two storey circular rear extension with first floor side extension and including the demolition of numerous outbuildings.
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Decision

1. I allow the appeal and grant planning permission for erection of a two storey circular rear extension with first floor side extension and including the demolition of numerous outbuildings at Drysdale House, Wrangling Lane, Luddesdown DA13 0XF in accordance with the terms of the application, Ref 20161157, dated 28 November 2016, subject to conditions 1) to 7) on the attached schedule.

Application for Costs

2. An application for costs was made by Mr Trevor Forrest against Gravesham Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The Council failed to determine the application and had not submitted an appeal Statement or putative reasons for refusal. However, there had been a previously refused application reference number 20160268, and although the present proposal differs from that, it is reasonable to consider the following main issues, having mind to the Green Belt location;
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant Development Plan policies.
 - The effect of the proposed extension on the openness of the Green Belt.
 - The effect of the proposed extension on the character and appearance of Wrangling Lane, within the Kent Downs Area of Outstanding Natural Beauty and the Luddesdown Down landscape character area.
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Policy

4. The Development Plan includes the Gravesham Local Plan Core Strategy and Policy CS01 concerns sustainable development, with Policy CS02 setting out policy for the scale and distribution of development, which outside settlements will be supported where it is compatible with national policies for protecting the Green Belt and other policies in the Plan. Green infrastructure is the subject of Policy CS12, stating that the greatest weight is to be given to the conservation and enhancement of the landscape and natural beauty of the Kent Downs Area of Outstanding Natural Beauty. Policy CS19 sets out design principles.
5. The Gravesham Local Plan 1st Review contains saved Policy C13 on extensions to dwellings in the countryside, the supporting text to which refers to Policy MGB2 of the abolished Kent Structure Plan. The Council's interpretation of that policy is of seeking to maintain the open character of the Green Belt and retaining a stock of small dwellings. This second limb was not a reason for refusal previously. Despite these out-of-date references, the Policy, when read alongside the Framework on Green Belts, sets criteria that will be used in the assessment to this Decision. The policy begins with the statement that extensions to dwellings will be considered on their merits.
6. A Landscape Character Assessment of the Luddesdown Downs has been published, with the requirement to assess development proposals within the area to maintain the character of sparse and distinctive built development.
7. The Kent Downs Area of Outstanding Natural Beauty Management Plan contains Policy LLC1 supporting the protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Area, and Policy LLC2 which states that the promotion, management, restoration and appropriate creation of prominent views and viewpoints will be supported.

Green Belt

8. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt is inappropriate development, but goes on to list exceptions. The third exception 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.
9. Policy C13 provides the local context for that assessment with criteria expected to be satisfied. It is concluded now that criteria (i), (iii), (iv), (v) and (vii) are either met or are not applicable. Criterion (ii) states that there will be an overall limit of one third of the gross floor area of the original dwelling (measured externally) prior to any later extension or alteration, unless the increased floor-space has no overall effect on the existing bulk and appearance of the dwelling; and criterion (vi) states that the appearance, massing, scale, form and materials of any extension shall be appropriate to the existing dwelling and the Green Belt setting.
10. The appellant sets out the calculations, taking account of a previous addition to the 'original' building, which in this case is that which existed in 1948. The result is a 39.1% increase, as opposed to the 33.3% limit allowed in Policy

C13, but as stated in the criterion, that figure may be exceeded depending on the effect.

11. The appellant has referred to another appeal Decision in Gravesham that considered Policy C13 and paragraph 89 (Ref; APP/K2230/D/16/3156172), but it is clear that the Inspector there was considering a largely subterranean addition, and that as a matter of fact, the alternative in criterion (ii) was met, notwithstanding the reasonably large scale of the proposed additional floor space, cited variously as being 36.75%, or between 37% and 47%.
12. The fact in the present appeal case is that there would be an overall effect on the existing bulk and appearance of the dwelling, since the proposal involves a significant 2 storey addition of the circular part, and the addition of a whole new floor of accommodation where only a single storey wing exists at present. The alternative in criterion (ii) is therefore not met.
13. The increase of 39.1% would exceed the 33.3% limit set in the first part of Criterion (ii) and having mind to the fact that the applicability of Policy C13 is to extensions to dwellings in the countryside and not just those parts within the Green Belt, the excess is too great not to be considered a disproportionate addition over and above the size of the original building in the Green Belt. The proposed removal of buildings elsewhere on the site does not assist in the calculation as they are not part of the dwelling, but they will be considered in the Green Belt balance, after any other harm has been identified. For the reasons detailed above, it is concluded the proposal is inappropriate development in the Green Belt.

Openness

14. The addition of the circular addition would have an effect on openness, but limited due to the location of the proposal relative to an internal return corner of the existing building and the limited extent of through views. The first floor extension would have a more profound effect due to the lack of any built form in that location and at that height.
15. However, in the case of *Goodman v SSCLG* [2017] EWHC 947 (Admin) it was held that it is relevant to take into account visual perception as a factor which may reduce the spatial harm from the effect of a development on the openness of the Green Belt, although the judgment accepted that reference to the judgment should have regard to the narrow basis on which the parties' cases had been argued. Nevertheless, the valley floor location, with the first floor addition being aligned north-south along the valley, the presence of substantial foliage preventing long views and the first floor addition being largely subsumed into background tree growth in east-west views all serve to limit the perception of the proposal reducing openness.
16. There would be a reduction in openness as a matter of fact, but there would be no adverse effect on the five purposes of the Green Belt as the addition does not represent encroachment into the countryside, and the others do not apply to this location. To conclude, in addition to the harm by reason of being inappropriate development in the Green Belt, there would be a limited reduction in openness. Nevertheless, as stated in paragraph 88 of the Framework, substantial weight should be given to any harm to the Green Belt.

Character and Appearance

17. This is the subject of Policies CS12 and CS19, as well as criterion (vi) of Policy C13. Paragraph 56 of the Framework states that the Government attaches great importance to the design of the built environment; good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
18. The present house is an interesting example of its age, and displays many of the defining features of the 'art deco' architectural style such as the horizontal emphasis, the roof terraces at various levels and the expression of the internal stairs as a vertical window. The render appears to be a dark pebble-dash which is a 1930's treatment, although classic 'art deco' buildings tend to use smooth render and then traditionally in white. The house does not display the clean, crisp appearance that it should, but this is a matter for maintenance, and possibly repair. Its present landscape or garden setting is lacking.
19. The proposed additions would follow the ethos of the style and would improve its massing and presentation, introducing features of architectural interest and reconciling the weak arrangement of the single storey wing, replacing it with an addition that includes a further area of roof terrace and reinforcing the horizontal lines. The increase in bulk that counts against compliance with Policy C13 criterion (ii) as a matter of fact results in a more attractive building in the terms of criterion (vi).
20. The proposed appearance, massing, scale, form and materials would be appropriate to the existing dwelling and would not cause visual harm to the Green Belt, the Area of Outstanding Natural Beauty or the landscape character of the Luddesdown Downs, maintaining and enhancing the character of sparse and distinctive built development. In addition to compliance with Policy C13(vi) the proposal would accord with Policies CS12 and CS19 and the design is of the standard sought in paragraph 56 of the Framework.

Other Considerations

21. Harm has been found to the Green Belt through being inappropriate development and through a reduction in openness, the latter being limited in its visual effect. Paragraphs 87 and 88 of the Framework state that inappropriate development should not be approved except in very special circumstances, which will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
22. The conclusion with regard to the effect on the character and appearance of the area is that the proposed additions would enhance the presentation and architectural interest of the building. This enhancement is a consideration of substantial weight, introducing an interesting and historically appropriate addition, including the proposed new curved steps, canopy and balcony, fitting the building for continued beneficial use.
23. The removal of a various dilapidated buildings and the remains of other enclosures such as the one-time kennels would be an enhancement to the landscape and would, as a matter of fact, improve the openness of the site. The opportunity to secure improvements to the immediate landscape or garden setting of the building through conditions would be a benefit. This is a

consideration of substantial weight based on the poor arrangement seen at the site inspection.

24. This is a building that deserves greater care and attention and whilst it might be feasible to bring that about without the proposed development, the improvements to the accommodation give the opportunity for a thorough-going refurbishment of the external appearance of the building and its setting, secured by conditions.
25. In the Green Belt balance, whilst the harm to the Green Belt carries substantial weight, there is no other identified harm and the considerations over the enhancement of the building and its setting, including the removal of various unattractive and dilapidated structures dispersed over a considerably area of the site lead to the conclusion that the harm is clearly outweighed by other considerations, so that the very special circumstances required in order to allow the development have been shown to exist.

Conditions

26. The Council did not provide a list of suggested conditions although the Scientific Officer did seek a condition regarding remediation of possible contamination, which would most likely concern the previous kennel buildings. The considerations that lead to the conclusion on the Green Belt balance are based on those buildings being removed and replaced with suitably landscaped open land, and any contamination could be dealt with then. A condition is required to ensure that their removal takes place. It is noted that the appellant refers to *'the demolition of the existing dilapidated outbuildings over a period of time'* but that is not precise enough to allow the inappropriate development.
27. In that connection, the appellant offers the removal of permitted development rights with regard to use of the outbuildings as dwellings under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, even if their physical condition did not militate against compliance with Class Q.1.(i)(i)(aa) on the extent of works necessary, any planning condition attached to this permission would not operate until development had commenced. The aim of arranging the removal of those offered, and hence the benefits that have been weighed in this Decision, can be secured through a requirement for a contract, arrangement or agreement being in place prior to commencement.
28. The other benefits that amount to very special circumstances need to be secured by conditions otherwise they cannot be relied upon in the Green Belt balance. They are essential items that have to be part of the permission, and the sanction would be to prevent occupation of the addition without their having been carried out, or through some other mechanism agreed between the appellant and the Council.
29. Lastly, a condition is required detailing the drawings to which this permission relates, for the avoidance of doubt and in the interests of the proper planning of the area.

Conclusions

30. Due to the increase in size and the effect on the existing bulk and appearance of the dwelling, the proposal is inappropriate development in the Green Belt.

An analysis of the harm compared with the benefits has concluded that very special circumstances exist provided that the benefits can be assured by condition. There would therefore be a most welcome improvement in the presentation of the building and policies of the Development Plan as well as national policies on the protection of landscape character and the promotion of good design are met. For the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DH01rev3 Site Plan, DH02rev3 Existing and Proposed Plans, DH03rev3 Existing and Proposed Elevations, DH04rev3 Volume Calculations.
- 3) The materials to be used in the extension hereby approved are to match those used in the original building, unless otherwise agreed in writing by the Local Planning Authority subsequent to the submission of details.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include;
 - i) planting plans and the establishment of lawn areas in the vicinity of the building;
 - ii) earthworks in the vicinity of the building showing existing and proposed finished levels or contours;
 - iii) vehicle parking layouts;
 - iv) hard surfacing materials in the vicinity of the building;
 - v) external lighting fitted to the extensions, if any;
 - vi) landscape remediation where outbuildings are to be demolished;
 - vii) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details and in accordance with the agreed implementation programme.
- 5) No development shall commence until a contract has been let, or other arrangements made, or agreements entered into, with the Local Planning Authority, to secure the removal of the buildings shown to be removed on drawing DH01rev3. The extension shall not be occupied until the removals and making good of the landscape have been completed as agreed.

- 6) The extension hereby permitted shall not be occupied until the steps, curved balcony and curved canopy shall have been constructed in accordance with details shown on submitted drawings DH02rev3 and DH03rev3, and these features shall be retained thereafter.
- 7) The applicant shall undertake a watching brief during construction and demolition in case any contamination issue is encountered. If during development any contamination is found, the Local Planning Authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the Local Planning Authority as to the appropriate measures to be taken to resolve the matter and they have been informed that those measures have been carried out.

DESIGN AND ACCESS STATEMENT

Amount of Development

The proposed development will add minimal additional floorspace to the dwelling overall. The largest change is the 1.5m wide full-width (15.9m) addition to the existing basement which will be contained under the external terrace. The hip-to-gable change will not materially add to floorspace but will make the existing first floor space more useable.

Layout

The overall footprint of the development will not significantly change. The basement extension will be visually integrated with the house. The internal layout of the house will become more useable, for example the basement will be capable of access internally for the first time and the north and south bedrooms at the front of the house on the first floor will become more useable with headroom improved. The new glazed entrance will enhance light in the enlarged hallway and highlight the new staircase as a feature.

Scale

The building will not increase significantly in scale and mass. Visually the most apparent change will be the hip-to-gable alteration and the movement of the two dormer windows to the front elevation of the house. The alterations will not however, result in the overall height of the dwelling being raised and the dormers are subservient and in keeping with the scale of the roof. The basement extension will not impact on the scale and appearance of the house.

Appearance

The proposed development will significantly enhance the character and appearance of the dwelling. It will make a positive contribution to the character of this part of the Kent Downs AONB and surrounding countryside and will not result in unacceptable harm to the landscape character of the Luddesdown Downs character area. It will enhance the existing sparse and distinctive character of the built development that exists in the area.

Landscaping

The house is set in a mature existing landscape that will not be affected by the development. The development does not result in the need to provide additional landscaping.

Access

Vehicular and pedestrian access to the site and building will remain as it currently is. No change to car parking provision is shown or needed as the number of bedrooms is not increasing.

Analysis

The proposed appearance, massing, scale, form and materials would be appropriate to the existing dwelling and would not cause visual harm to the Green Belt, the Area of Outstanding Natural Beauty or the landscape character of the Luddesdown Downs, maintaining and enhancing the character of sparse and distinctive built development. Whilst the identified harm to the Green Belt carries substantial weight, there is no other identified harm and the considerations over the enhancement of the building and its setting, including the non-

implementation of the approved garden curtilage building and the proffered removal of Class E permitted development rights which would clearly have a potentially greater and more adverse impact on openness in the long-run, lead to the conclusion that the harm is clearly outweighed by other considerations.