



Appeal Decision

Site visit made on 10 October 2022

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2022

Appeal Ref: APP/K2230/W/22/3295808

Courtlands, Gravesend Road, Shorne, Gravesend DA12 3JR

- 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 Pawar against the decision of Gravesham Borough Council.
 - The application Ref 20211361, dated 1 November 2021, was refused by notice dated 10 January 2022.
 - The development proposed is described as the demolition of existing house and outbuildings to make way for the construction of a new two storey Georgian style 3-bed dwelling with associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the plan policy and the National Planning Policy Framework (the Framework);
 - The effect of the proposal on the openness of the Green Belt; 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

Whether Inappropriate Development

3. Saved Policy C12 of the Gravesham Local Plan First Review 1994 (the Local Plan) states that, amongst other things, a replacement dwelling must be of similar scale and mass to the existing dwelling and must be no larger than the existing dwelling (criteria iii).
4. The Local Plan predates the Framework and the Council confirm that criteria iii is inconsistent with paragraph 149 of the Framework. I therefore ascribe criterion iii limited weight.
5. There is some disagreement between the parties as to whether the original or the existing dwelling should be used for the purposes of assessing a replacement dwelling. Saved Policy C12 suggests the original building should

be taken, whereas paragraph 149 of the Framework states that new buildings within the Green Belt are inappropriate, unless it involves the replacement of an existing building for the same use, and it is not materially larger than the building it replaces.

6. Saved Policy C12 suggests a modest enlargement should be no greater than one third of the floorspace of the existing dwelling excluding garage(s) and outbuildings. The Framework, however, does not define the term materially larger.
7. The replacement building would be of greater height than the existing building and the Council states that the proposed floor area would be increased by 140% over the original dwelling and 45% over the existing. Taking the appellants figures from drawing No 008, the existing house has a floor area of 243.3 square metres and the replacement building 335.6 square meters, an increase of approximately 37.9%. Even if I take the lowest figure of 37.9%, this would still represent a significant material increase in floor area.
8. While outbuildings are proposed to be demolished, these are a reasonable distance from the existing dwelling and are scattered across the site. Given this separation, I do not consider the demolition of these outbuildings should, as a matter of fact and degree be considered together with what is proposed to replace them.
9. I conclude that the replacement dwelling would be materially larger than the one it replaces and would therefore be inappropriate development. Such development is, by definition, harmful to the Green Belt.

Openness

10. Paragraph 137 of the Framework advises that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. It also advises that the essential characteristic of Green Belts is their openness and their permanence.
11. The development proposed would result in a replacement dwelling with a larger footprint, floor area and volume than the existing building. Its roof would be higher and this increase in height would create additional bulk and mass. In particular, the bulk and mass increases would occur where the replacement footprint extends beyond the existing footprint and where the development would extend above the existing catslide roof to the front of the dwelling. These increases would have a significant spatial and visual impact upon the openness of the Green Belt.
12. The single storey buildings are sited a reasonable distance away from the dwelling. Their demolition would have some betterment to openness, however, this would not offset the harm identified above, particularly in respect to the two-storey bulk and mass of the proposal.
13. The development would therefore in both spatial and visual terms have a greater and harmful impact upon the openness of the Green Belt.

Other considerations

14. I have found that the proposal would be inappropriate development in the Green Belt and thus should not be approved except in very special

circumstances. It is therefore necessary to consider the other considerations in favour of the appeal to determine whether there are any material considerations which would amount to very special circumstances that would outweigh the harm by reason of inappropriateness, and the harm that I have identified to openness.

15. The appellant has obtained relevant consents from the Council to erect extensions to the existing dwelling. The appellant has implemented these but not completed them, during my site visit I noted that these were up to finished floor level. These extensions are also well related to the dwelling, and should this appeal be unsuccessful, I consider it likely that the appellant would complete these extensions as an alternative scheme. As such they represent more than a theoretical possibility.
16. These extensions are therefore a realistic fallback and material consideration. The extensions to the dwelling would project off the side and rear and in terms of footprint, floorspace and volume would increase the spatial and visual impact of the existing dwelling on the openness of the Green Belt.
17. However, even when taking the fallback into account, while overall footprint and floor area may be reduced across the whole site, volume is not. The permitted development extensions to the dwelling are principally single storey and when taken as a whole, the fallback does not extend to the same height, width, bulk or mass as the proposed development. The increased visual impact of the proposed development would still have a significantly harmful spatial and visual impact on the openness of the Green Belt.
18. Additionally, the existing outbuildings, proposed to be demolished, are both scattered across the site, some distance from the existing dwelling and these outbuildings are single storey and visually less obtrusive. While their removal would open up other parts of the site, the overall two storey bulk and mass of the proposed development would not be outweighed by the demolition of these single-story outbuildings or the presence of the fallback.
19. I have considered the other appeal and council decisions provided by the appellant. These are not identical to the circumstances at play in this appeal, such as the existing and proposed building dimensions and proximity to each other. While I have had regard to these decisions, I have also considered this appeal on its own individual merits.
20. I have also considered the removal of permitted development rights for further extensions and outbuildings, however, the dwelling as proposed would be materially larger than the one it replaces, and as such removal of permitted development rights would not alter this.
21. The proposal represents inappropriate development, which by definition, would be harmful to the Green Belt as described in paragraph 147 of the Framework. I have also found that there would be material harm to openness. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt. Therefore, the degree of harm caused would be significant and I attach substantial weight to the totality of harm caused.
22. I find that the other considerations put forward by the appellant fall short of clearly outweighing the harm identified and thus the very special circumstances necessary to justify the development do not exist.

Other Matters

23. Given I have found that the proposed development would have a greater impact on the openness of the Green Belt than the existing development, there is no need for me to consider paragraph 149(g) of the Framework.



Conclusion

24. The proposed development would be contrary to saved Policy C12 of the Local Plan and the Framework. For the reasons set out above, I conclude that the appeal should be dismissed.

N Praine

INSPECTOR