



Appeal Decision

Site visit made on 2 February 2023

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2023

Appeal Ref: APP/K2230/W/22/3306798

Owlswood Cottage Priestwood Road, Meopham, Gravesend, 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 & Mrs D Mair against the decision of Gravesend Borough Council.
 - The application Ref 20220646, dated 13 June 2022, was refused by notice dated 11 August 2022.
 - The development proposed is demolition of existing bungalow and erection of 3-bed bungalow and replacement garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The replacement garage is not in the description of development on the application form but clearly forms part of the proposal and is referred to in the Council's decision notice. I have therefore included it in the description of development in the banner heading above.

Main Issues

3. The main issues are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework), and any relevant development plan policies,
 - (b) The effect of the proposal on the openness of the Green Belt,
 - (c) The effect of the proposal's scale and design on the character and appearance of the area, and
 - (d) 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

4. Owlswood Cottage is a detached chalet bungalow with a front facing gable and a flat roofed side extension. Alongside is a triple width timber garage. There is a long back garden containing several dilapidated outbuildings, with a wooded area at the farthest point. The site is within a rural area but is nonetheless one of a cluster of residential sites on the eastern side of Priestwood Road.

Whether inappropriate development

5. The site and surrounding area are within the Green Belt. The proposal involves the construction of two new buildings, a new dwelling and a new garage, both replacing existing buildings. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt but cites a list of exceptions. Exception (d) is *"the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces"*.
6. There would not be a change of use. The new main building would be in the same residential use as that it would replace. It is therefore necessary to establish if the new dwelling would be *"materially larger"*. According to the appellants the existing dwelling has a floor area of 115.31sqm. As a chalet bungalow, it has a more limited upper floor area compared with its ground floor. The Council has made a comparison of footprints rather than floor areas. It has calculated the footprint of the existing dwelling to be 86.7sqm and the proposed dwelling to be 102.2sqm indicating an increase of 18%.
7. The Council have estimated the new building would result in an increase in height of 0.7m, an increase in depth of 0.6m and an increase in width of 1.45m. Neither main party has provided an estimated floor area for the new dwelling but there would be a significant increase on the appellants' figure of 115.31sqm for the existing dwelling as the new dwelling's upper floor area would be similar to that of the ground floor. No comparative volume figures have been provided but the proposed dwelling would have a significantly greater massing at first floor and roof level than the existing dwelling.
8. The appellants contend that the new dwelling would not be materially larger than that it would replace as it would accord with the Council's policies on replacement dwellings. Saved Policy C12 of the Gravesham's Local Plan First Review (LPFR) (1994) on replacement dwellings in the countryside states that there will be a strong presumption against allowing the replacement of existing dwellings, unless listed criteria are met. Criterion (iii) states that *"the replacement dwelling must be of similar scale and mass to the existing dwelling and must be no larger than the existing dwelling, unless it can be demonstrated that modest enlargement is required to allow the provision of essential basic amenities such as a bathroom, toilet or kitchen"*. There is no evidence before me that the existing dwelling is inadequate in these respects.
9. Reference has also been made to Policy C13 of the LPFR on extensions to dwellings in the countryside which enables an enlargement of up to one third of the gross floor area of the original dwelling. However, the appeal proposal is for a replacement dwelling, not an extension. Moreover, both policies C12 and C13 relate to the *"original dwelling"* and not necessarily to the existing dwelling. The planning history for the site indicates that Owlswood Cottage was enlarged following permission in 2006. Exception (d) to Paragraph 149 to the Framework however requires a comparison of the proposal with the existing dwelling.
10. Therefore, only limited weight can be applied to the saved policies of the LPFR. They predate the Framework and are not wholly consistent with it. Greater reliance should rest on the Framework's test of whether the new building would be *"materially larger"*. Having regard to the increase in width, length and height and to the greater mass above ground floor level it is my judgement that the new dwelling would be materially larger than the one it would replace.

11. The Council contends that the new garage would be inappropriate development as the Framework does not provide an exception for ancillary residential outbuildings. However, a similar test in relation to exception (d) can be made as to whether the proposed garage, as a new building, would be materially larger than the garage it would replace. The existing garage is rectangular in footprint and longer than the proposed garage which would have a squarer footprint. The existing garage is low lying having a shallow pitched roof whereas the proposed garage would be significantly higher incorporating a store at first floor level accessed via an internal staircase. The new garage would be higher but shorter in length than that it would replace. Neither party has provided comparative figures for the garage. In my opinion, it has not been demonstrated that the proposed garage would be materially larger than the garage it would replace. Nonetheless, in view of my findings in relation to the materially larger size of the proposed dwelling, the requirements of exception (d) to Paragraph 149 have not been met.
12. The proposal can also be examined in relation to exception (g) at Paragraph 149. This relates to the *"limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings)"*. The second proviso to this exception is not relevant as it relates to meeting an identified need for affordable housing. The first proviso is relevant and requires development to *"not have a greater impact on the openness of the Green Belt than the existing development"*. The proposal involves the complete redevelopment of the site on *"previously developed land"* as defined in the Framework's Glossary. It is therefore necessary to ascertain if the proposal would have a greater impact on the openness of the Green Belt than the existing development.

Openness

13. Paragraph 137 of the Framework states that *"the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence"*. Openness has both spatial and visual aspects. When openness is a test for a proposal its net effect must not be harmful.
14. In relation to the spatial aspect to openness it is necessary to compare the mass of existing and proposed developments. I have found that the new dwelling would be materially larger than the existing dwelling. However, there would be an offsetting effect for this additional mass by the demolition of outbuildings in the back garden, all of which are in a dilapidated condition. The appellants' site plan indicates a combined floor area of 76sqm for a summer house, green house, timber shed, garage 2 and a barn.
15. In relation to the visual aspect to openness, there would be an enhancement within the back garden through demolition of the outbuildings. However, this area is largely concealed from wider public views by the presence of buildings, fences and woodland. By contrast, the front garden is readily visible from Priestwood Road. The proposed dwelling would have a ridge with gable ends parallel with the road. Its greater mass compared with the existing dwelling would be readily apparent. The proposed garage would be sited in a more forward position compared with the existing garage. Whilst front boundary hedges would provide some screening of the site, the high and bulky roof to the new garage would be conspicuous from Priestwood Road.

16. My findings are that the proposal would have a greater impact on the openness of the Green Belt than the existing development. It would not therefore satisfy the tests for the exception at Paragraph 149 (g). As such, the proposal would amount to inappropriate development in the Green Belt. Paragraph 148 to the Framework states that substantial weight should be given to any harm to the Green Belt. Furthermore, that *"Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations"*.

Character and appearance

17. Policy CS19 of the Gravesham Local Plan Core Strategy (2014) requires new development to be visually attractive, locally distinctive and that its design, layout and form should be derived from a robust analysis of the local context and character. The site is located within a sparsely populated rural area but as part of a small cluster of dwellings informally laid out. Neighbouring plots tend to be wider than the appeal site and the dwellings on them larger than the existing dwelling to be replaced. From my examination of the area, there did not appear to be a strong distinctive local character. The adjacent dwellings, Priesthood and The Orchard appear to be of recent construction and are described by the appellants as large, detached replacement dwellings. They include front facing first floor windows set within the roofslope in a design approach not dissimilar to the proposed dwelling.
18. The Council have criticised the dormer windows' interruption of the eaves as contrary to design guidance in a Supplementary Planning Document (SPD) which encourages dormers to be set away from the eaves. But the Gravesham Householder Extension/Alterations Design Guide SPD (2021) is of limited applicability. It relates to design changes to existing dwellings rather than to the design of new dwellings. Having regard to the site's context, the design of the new dwelling would not detract from the character and appearance of the area and would be compatible with Policy CS19.
19. The proposed garage would be set forward of the front line of the new dwelling close to Priestwood Road. Its high and bulky barn-style roof would not be subservient to or complementary with the design of the dwelling. Given its prominent siting it would not make a positive contribution to the street scene, a requirement of Policy CS19. The SPD is of greater relevance here. At paragraph 10.17 it states, *"Detached garages should reflect the design, materials, character and style of the existing property. Garages should not be located in a position which would detract from the attractiveness of the street scene. Usually garages should be positioned to the side of a dwelling"*. The proposed garage would therefore also be contrary to guidance in the SPD.
20. In combination, the scale and design of the proposed dwelling and garage would have an adverse effect on the character and appearance of the area. I acknowledge that the site is narrower than neighbouring plots, but it is not so constrained that the garage could not be more sensitively located and designed.
21. The proposal would also conflict with design provisions at Paragraph 130 of the Framework in that it would not add to the overall quality of the area, would not be visually attractive in relation to the architecture and layout of the garage and would not be sympathetic to the surrounding built environment.

Other Considerations

22. The appellants have not formally set out very special circumstances, considering the proposal not to be inappropriate development. Nonetheless, they contend that very special circumstances arise through two issues. The first is the circumstances of the site's location which whilst within the Green Belt is part of a small hamlet, a cluster of residential dwellings and part of a continuous frontage of dwellings. This is not an unusual circumstance for Green Belt sites that frequently wash over clusters of rural dwellings. Whilst the proposal would not result in town merging or add to built development on the edge of a cluster adjacent to more open land, the site is nonetheless within the Green Belt and the restrictive policies in the Framework are applicable. This point carries very limited weight.
23. The second issue is that the proposal relates to the authorised residential use of the land and that the land is owned by the appellants and is to meet the requirements of the appellants' family. This issue is entirely normal for the redevelopment of residential sites in the Green Belt. It does not amount to very special circumstances and carries no weight in the final balance.

Conclusion

24. I have found the proposal to amount to inappropriate development and would detract from the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt. In addition, I have found that harm would also arise in relation to the effect of the scale and design of the proposal on the character and appearance of the area.
25. Only very limited weight can be attributed to the site's location within a cluster of dwellings rather than in a more peripheral and open location. Accordingly, the harm resulting from the proposal is not clearly outweighed by other considerations and very special circumstances therefore do not exist. The proposal is at odds with guidance in the Framework and in conflict with Council Policy CS19.
26. For the reasons given above I conclude that the appeal should be dismissed.

Rory MacLeod

INSPECTOR