
Appeal Decision

Site visit made on 21 March 2024

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 May 2024

Appeal Ref: APP/K2230/D/23/3332369

Bucklebury, Pear Tree Lane, Shorne, Gravesend, Kent, DA12 3JS

- 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 Nick Turner Goldsmith against the decision of Gravesham Borough Council.
 - The application Ref. 20230684, dated 26 June 2023, was refused by notice dated 11 August 2023.
 - The development proposed is new detached garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A revised National Planning Policy Framework (the Framework) was published in December 2023. As the Council's decision included paragraph numbers from the Framework 2021, an updated numbers list was included with its questionnaire. However, as the policies of relevance to this appeal have not fundamentally changed, comments were not sought from the appellant.

Main Issues

3. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt (GB) for the purposes of planning policy set out in the Framework and the development plan;
 - the effect on the openness of the GB;
 - the effect on the appearance of the appeal property and the character of the area, including the Shorne Woodland Landscape Character Area; 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

4. The appeal site includes a large, detached dwelling on a spacious plot. It sits in an elevated position above the road, set behind a roadside wall with banked planting, and a further low wall with railings above. There are separate access

gates. There is an attached open car port to one side of the dwelling, and part of the front garden is paved for vehicle parking and manoeuvring.

5. Paragraph 154 of the Framework confirms that the construction of new buildings should be regarded as inappropriate in the GB, with some exceptions. One of these 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. Originally adopted in 1994, Policy C13 of the Gravesham Local Plan First Review 2014¹ (LPFR) pre-dates the current Framework, and its terms are not wholly consistent with the national policy. However, I have had regard to this policy insofar as it seeks to limit the size of dwelling extensions in the GB. In this regard, the policy places an overall limit on the size of an extension to 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.
6. The Framework does not make specific reference to the provision of curtilage outbuildings. However, having regard to case law² cited by the Council in its delegated report, and given the stated use of the proposed garage and its relationship to the host house, I consider that the appeal building could reasonably be assessed as an 'extension' within the terms of the Framework and LPFR Policy C13. The latter does not impose a specific size limitation on such buildings, but notes that they will be considered on their individual merits, being required to be well designed, discreetly sited and subservient to the scale of the main dwelling on the plot.
7. The Council's delegated report identifies previous ground-floor and first-floor rear extensions to the dwelling. A retrospective appeal was allowed for a single-storey outbuilding in the rear garden³. The Council's report indicates that the original gross external floor area of the dwelling was 305m², with post-1948 extensions adding 132m², and representing an increase in floor area of over 43%. The proposed triple garage would add approximately 70m². The appellant does not dispute these figures.
8. As a development in its own right, the appeal building would be a large addition to the property. Considered cumulatively with previous additions to the dwelling, it would appear disproportionate, with its visual impact on the building exacerbated by its prominent forward position. I therefore conclude that the appeal scheme is inappropriate development that is, by definition, harmful to the GB. The development therefore conflicts with the Framework, LPFR Policy C13, and Policy CS02 of the Gravesham Local Plan Core Strategy 2014 (CS), which amongst other criteria supports development where it is compatible with national policies for protecting the GB.

Effect on Openness

9. A large part of the front garden of the appeal property is already surfaced for vehicle parking and manoeuvring, but the area of the proposed garage is currently laid to lawn, with some trees. The appellant's appeal statement notes that this area was previously the original hardcore parking area for the dwelling, and only recently grassed, and therefore considers that the proposal

¹ Gravesham Local Plan First Review Adopted November 1994, Saved and Deleted Policies Version 2014

² *Sevenoaks District Council v Secretary of State for the Environment and Dawe* 1997

³ Local Authority reference 20210499

would not encroach into the GB. However, although the area of the proposal may be within the front garden, it is a garden within the GB. Moreover, whether hardcore surface or lawn, the proposal would involve the redevelopment of a part of the site which was previously devoid of buildings.

10. I acknowledge that there are no footways either side of Pear Tree Lane at this point, and that the walled and planted verge reduces views into the site to a degree. As a result, most views of the appeal site may be quite fleeting as people drive past, but the elevated position of the front garden means that the absence of buildings on this part of the appeal site is apparent from the public domain. The introduction of a large and visually intrusive outbuilding into an otherwise open area of the site would diminish the sense of space at this point, with a consequent loss of openness, both spatially and visually.
11. I therefore conclude that, further to the harm to the GB by reason of the appeal building being inappropriate development, there is additional harm arising from the effect of the proposal on the openness of the GB.

Character and Appearance

12. This part of Pear Tree Lane comprises dwellings on spacious plots, but the size, scale and design of these buildings is varied. Screening also varies but, for the most part, landscaping is a notable feature of the road. The greenery of Shorne Woodland opposite the site contributes to the sylvan character.
13. The appellant has drawn attention to permissions for other garages within 500m of the appeal site and advises that many of the dwellings in Pear Tree Lane have garages close to their entrance. However, no details of the buildings, the permissions granted and the reasoning for the decisions has been supplied. In the absence of fuller details, I am unable to make a comparison with the proposal but, viewed on the ground, it was not evident that there are any developments of this scale in similarly prominent positions. Most outbuildings in the vicinity are set back from the road, and/or to the side of the dwellings which they serve. In this context, the proposal would be out of keeping in the street scene.
14. The new building would be set to one side of the dwelling, thereby maintaining views of the house. However, this would not avoid the garage appearing as an intrusive structure in front of the property, to the detriment of the wider rural character and appearance of the lane. Neighbouring planting may limit some views of the proposal, but it would be visible from the road, and additional landscaping would need to be extensive to screen a building of the height and position proposed. I do not consider the site to be as heavily screened from the road as indicated by the appellant. The building would be well-designed in itself but would not be discreetly sited and subservient to the scale of the main dwelling as required by Policy C13.
15. The addition of a new building and further hard surfacing would result in the frontage being dominated by facilities for vehicle parking and manoeuvring, to the detriment of the appearance of the dwelling and its setting. The replacement of part of the existing hard surfacing to the south-east of the new building with green space, as shown on the submitted site plan, would not compensate for the greater loss of lawn closer to the roadside. I do not share the appellant's assessment that the current view of parked cars at the site is

more negative than the proposal, particularly as considerable space for open parking would remain.

16. I appreciate the appellant's view that, as the dwelling and neighbouring buildings are already present, the proposal would not create built development within the open countryside. However, development within the context of these buildings must also take into account the sensitivity of the location in a rural area.
17. I therefore conclude that the proposal would detract from the character and appearance of the appeal site and wider area, in conflict with the design objectives of the Framework, LPFR Policy C13, and CS Policies CS02 and CS19, which amongst other criteria seeks development which makes a positive contribution to the street scene, the quality of the public realm and the character of the area with regard to matters including scale, height, building lines, layout and site topography.
18. However, having regard to the key characteristics of the Shorne Woodlands Character Area, as detailed in the Gravesham Landscape Character Assessment 2009, I do not find that the proposal would conflict with the requirements to conserve, restore and enhance its landscape character and valued landscape, as required by CS Policy CS12. However, that does not alter my assessment of the more localised harm to the street scene and area.

Other Considerations

19. The Framework advises that inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances. It confirms that substantial weight should be given to any harm to the GB, and that 'very special circumstances will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
20. The appellant has outlined the merits of the proposal in terms of design, scale, siting and visual impact. However, for the reasons set out above, I have found that these factors would not address the harm to the openness of the GB, and the adverse impact on the character and appearance of the dwelling and the area. As such, these do not add weight in support of the proposal.
21. The appeal building was reduced in size and scale from an earlier proposal the subject of pre-application discussion with the Council. Whilst I acknowledge the alterations which have been made, as set out above, the proposed building would be disproportionate, with adverse impacts on the GB and its openness, and the appeal site and street scene. As such, the alterations from the previous scheme offer limited weight in this appeal.
22. The appellant advises that there is a need for the proposal due to the number of existing vehicles parked in front of the property, and the existing carport being in the wrong position. Secure parking is also required at the property. Although not shown on the proposed site plan, the existing carport appears to be a solid structure and was in use for vehicle parking at the time of the appeal site visit. Whilst I appreciate the need for secure parking, I am not convinced that this justifies a building of the size and siting proposed; nor that vehicles in an open-fronted structure, oriented away from, and further from, the house

would be less vulnerable than vehicles parked next to the dwelling. This therefore offers limited weight in support of the proposal.

23. The absence of objections from neighbouring residents is noted, but this lack of additional harm is a neutral factor in this appeal.

Planning Balance and Conclusion

24. Having balanced the various matters, other considerations do not clearly outweigh the harm to the GB by reason of inappropriateness, and harm to its openness; and harm to the character and appearance of the dwelling and area. The very special circumstances necessary to justify the development do not exist. Consequently, the proposal fails to comply with the Framework, CS Policies CS02 and CS19, and LPFR Policy C13.

25. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR