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## Appeal Decision

Site visit made on 8 November 2022

**by Luke Simpson BSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 November 2022**

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**Appeal Ref: APP/K2230/D/22/3298308**

**Westwood, 38 Rhododendron Avenue, Meopham, Gravesend DA13 0TT**

- 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 T Raif against the decision of Gravesham Borough Council.
  - The application Ref 20220070, dated 20 January 2022, was refused by notice dated 25 March 2022.
  - The development proposed is rear and front extensions and a loft conversion.
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### Decision

1. The appeal is allowed and planning permission is granted for a rear and front extensions and a loft conversion at Westwood, 38 Rhododendron Avenue, Meopham, Gravesend DA13 0TT, in accordance with the terms of the application, Ref 20220070, dated 20 January 2022, subject to the following 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: Drawing no. 2021-022v1-Location Red line site boundary plan; 2021-022.P01 Proposed layouts; 2021-022.P02 B Proposed roof plan; 2021-022.P03 Proposed front and side elevations; 2021-022.P04 Proposed rear and side elevations; 2021-022.P05 A Existing block plan; 2021-022.P06 Proposed block plan; 2021-022.P07 Existing ground floor and roof plans; and 2021-022.P08 Existing elevations.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
  - 4) Notwithstanding the provisions of Article 3, Part 1, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification) no additional window, door or other form of opening shall be formed at first floor in the southern flank elevation of the dwelling, other than those expressly authorised by this permission.

- 5) Notwithstanding the provisions of Article 3, Part 1, Classes A, AA, B, C and D of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any provision equivalent to those classes in any statutory instrument revoking and re-enacting that Order, with or without modification), no enlargement, improvement or other alteration (including construction of any additional storeys, dormers, rooflights or other roof alterations and any porch constructed or erected outside any external door) shall be carried out, other than expressly authorised by this permission.

## **Main Issues**

2. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
- 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**

### *Inappropriate development*

3. The appeal site is located within the Green Belt and comprises an existing single storey detached dwelling. Saved Local Plan<sup>1</sup> Policy C13 relates to extensions to dwellings in the countryside. Criterion ‘ii’ of this policy limits increases in floorspace to one third of the gross floor area of the original dwelling where there is an overall effect on its bulk. The proposed development would exceed this limit.
4. Nonetheless, Saved Policy C13 is not consistent with the Framework, particularly in relation to development in the Green Belt. I accept that numerical restrictions can be helpful as a means to quantify the threshold of harm, in terms of whether a development constitutes disproportionate additions. However, criterion ‘ii’ only accounts for an increase in floorspace. This is a crude measure when used in isolation. For example, it does not recognise the potential to accommodate additional floors in an existing building in addition to other extensions, as is proposed here.
5. Policy C13 includes other criteria which take the mass of the building into account. However, the fact that a development can fail simply on the basis of criterion ‘ii’ renders these additional considerations irrelevant in such circumstances. As such, this policy does not reflect the more wide ranging scope for alterations allowed under Framework Paragraph 149C, which refers to ‘size’, a term which encompasses more than simply a comparison of floorspace figures. As such, in considering the application of Policy C13 to development in the Green Belt, the policy is out-of-date and I do not afford the conflict with it any significant weight.

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<sup>1</sup> Gravesham Local Plan First Review: Saved and Deleted Policies Version (Sept 2014)

6. Notwithstanding this, Core Strategy<sup>2</sup> Policy CS02 provides further policy relating to development in the Green Belt, requiring that such development accords with national policies.
7. Framework Paragraph 149 states that the construction of new buildings in the Green Belt should be regarded as inappropriate development, except in certain circumstances. One such exception is set out under Framework Paragraph 149C, which relates to 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.
8. The Framework does not include guidance on what is considered to be 'disproportionate'. I note that the appellant has provided many examples of decisions nearby where larger dwellings have been allowed. Indeed, a larger dwelling may be acceptable in certain circumstances. Nonetheless, every case should be treated on its own merits and the rationale for those decisions will have been based on site-specific circumstances. In essence, whether or not extensions and alterations are disproportionate is a matter of planning judgement, having regard to the particulars of a proposed development and the relevant site-specific circumstances.
9. Whilst there would be a large increase in floorspace (the Council indicates an increase of 251%), this manifests itself as only a moderate increase in the footprint of the dwelling (approximately 41% using the Council's figures). In addition, the height of the dwelling would only be increased by approximately 2 metres to facilitate accommodation in the roof. This increase is minor, even taking account of the small scale of the existing building.
10. Roof alterations include a hipped roof with gable ends, dormer windows and rooflights. These design features would further limit the visual impact of the proposal. There would also be some first-floor windows within the elevation. As a result, the dwelling would have a one and a half storey appearance. Nonetheless, overall, the proposal would not be much more prominent than the existing building.
11. Taking all of these considerations into account, the massing, scale and form of the development would be appropriate to the existing dwelling (which is also a requirement of saved Local Plan Policy C13) and the proposed development would not result in disproportionate additions to the original building. The proposal would be not inappropriate within the terms of Framework Paragraph 149.
12. The impact on openness is implicitly taken into account in the exceptions to inappropriate development unless there is a specific requirement to consider the actual effect on openness. In this case, Framework Paragraph 149C does not require an additional consideration of openness. As such, there is no requirement to separately assess the impact of the development on the openness of the Green Belt.
13. The proposal would conflict with saved Local Plan Policy C13 insofar as it would result in an increased floorspace beyond the threshold allowed under criterion 'ii'. However, taking into account other aspects of 'size' and the case-specific circumstances, I conclude that the development would not result in extensions

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<sup>2</sup> Gravesham Local Plan Core Strategy (Adopted September 2014)

or alterations which are disproportionate additions over and above the size of the original building. For these reasons the proposal is not inappropriate development and it would therefore comply with Core Strategy Policy CS02 and the relevant provisions of the Framework.

### **Conditions**

14. I am imposing the standard householder conditions, as advocated by the government's Planning Practice Guidance. These are to ensure that the development is implemented in accordance with the approved plans, and that the external materials used should match those of the existing dwelling.
15. A condition removing permitted development rights in respect of windows within the first floor of the southern elevation is necessary to preserve the living conditions of neighbouring occupiers. The same condition need not apply to the ground floor, given that the neighbouring dwelling to this side does not include windows at first floor level in the north facing elevation.
16. The Town and Country (General Permitted Development Order) (England) 2015 (GPDO) does not include restrictions pertaining specifically to the Green Belt. Nonetheless, I consider that the proposed development comprises close to the maximum additions whilst ensuring that they are proportionate to the existing dwelling. As such, it is necessary to impose a condition removing permitted development rights in respect of enlargements, improvements or other alterations of the dwelling, the construction of any additional storeys, dormers rooflights or other roof alterations and porches. This would ensure that the openness of the Green Belt is preserved.
17. A condition pertaining to obscure glazed bathroom windows is not necessary given that the proposed bathrooms are not overlooked by neighbouring dwellings and vice versa.

### **Conclusion**

18. In contrast to saved Local Plan Policy C13, Core Strategy Policy CS02 is consistent with the Framework and directly relevant to the main issue of this appeal (given that it relates specifically to development in the Green Belt). As such, on balance, the most important policy (CS02) in considering this appeal is not out-of-date. This means that Framework Paragraph 11d is not engaged.
19. Nonetheless, there would be a technical conflict with Saved Local Plan Policy C13. However, I do not afford this conflict any significant weight (for reasons already given) and it would be outweighed by other considerations including the proposals compliance with Policy CS02 and the Framework. The appeal is therefore allowed, subject to conditions.

*Luke Simpson*

INSPECTOR