



Appeal Decision

Site visit made on 5 September 2023 by Ifeanyi Chukwujekwu BSc MSc MRTPI
MIEMA CEnv

Decision by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2024

Appeal Ref: APP/K2230/D/23/3317812

Meadow Court, Dillywood Lane, Higham, Rochester, Kent ME3 7NT

- 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 Andrew Moss against the decision of Gravesham Borough Council.
 - The application Ref 20221136, dated 23 October 2022, was refused by notice dated 19 December 2022.
 - The development proposed is erection of a wooden double garage with a tiled roof.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.
3. On 19 December 2023, the Government published a revised National Planning Policy Framework (the Framework). However, as any policies in the Framework that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party and I have made my recommendation on this basis.

Main Issue

4. The site is located within the Green Belt. The main issues are therefore as follows:
 - 1) Whether the development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - 2) the effect of the development on openness of the Green Belt;
 - 3) the effect of the development on the character and appearance of the surrounding area; and
 - 4) if the development is inappropriate, is the harm by reason of inappropriateness, and any other harm, clearly outweighed by other considerations. If so, does this amount to the very special circumstances required to justify the development.

Reasons for the Recommendation

Whether the Proposal Would Amount to Inappropriate Development

5. Paragraph 142 of the Framework outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework, at paragraphs 154 and 155, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.
6. Paragraph 154c) sets out that new buildings within the Green Belt are inappropriate unless any extension or alteration of a building is such that it does not result in disproportionate additions over and above the size of the original building. In this context, original building means the dwelling as originally built or as the building existed on 1 July 1948 (whichever is the later).
7. The planning history detailed in the planning officer's report suggest that Meadow Court has been extended via various schemes over the years. I also observed this to be the case on visiting the site, and on this basis, I consider that the existing building is not the original building. As such, these extensions need to be taken into account when considering whether the current proposal would be a disproportionate addition.
8. In addition to the above, I have given due regard to the judgements in *Sevenoaks District Council v SSE and Dawe* [1997] and *Warwick DC v SSLHC* [2022] EWHC 2145 (Admin) in which the courts found that a detached building could be considered to be an extension for the purposes of paragraph 154(c). With those decisions in mind, I am satisfied that the wooden double garage can be considered to be an extension to the building. This is due to its proximity to the host dwelling, the size and design of the proposal and its ancillary function to the dwelling.
9. The Framework does not define what would be classed as a disproportionate addition, but the overall size of the building (either in terms of footprint, floorspace or volume) are clearly important factors.
10. The Council have presented calculations which suggest that the existing extensions already amount to an approximate 61.5 percent increase in floor space, which exceeds the threshold stipulated by the policy. The appellant does not dispute this. The current proposal would result in an increase of around 36 square metres of floorspace which would further increase this overall percentage increase.
11. My attention has been drawn to Policy C13 of the Gravesham Local Plan 1994 (the LP) which states that extensions to dwellings will be restricted to an overall limit of one third of the gross floor area of the original dwelling (measured internally). However, this policy is somewhat dated, and this size limitation is not specific to green belt properties.
12. Notwithstanding that, I find that the size of the proposal, in combination with the previously built extensions, would represent a disproportionate addition over and above the original building.

13. To that end, the proposal would not accord with the exemption outlined at paragraph 154c). Consequently, the proposal would be inappropriate development in the Green Belt as it would not accord with any of the exemptions outlined at paragraphs 154 or 155 of the Framework. It would also be contrary to Policy CS02 of the Gravesham Local Plan Core Strategy 2014 (the CS) which, amongst other matters, seeks to support proposals which are compatible with national policies for protecting the Green Belt.

Openness of the Green Belt

14. Openness is identified in the Framework as one of the Green Belt's essential characteristics. It has been identified as being formed of a spatial aspect as well as a visual aspect. As I have found above, the proposal would result in an increase in the size of the dwelling when compared to the original building. Given that the size of the resultant dwelling would be larger than the existing (and original) it would inevitably have an adverse impact on the openness of the Green Belt as a result of its greater size and bulk.
15. The appellant suggests that the effect on openness would be limited because the scale of the appeal proposal would represent a subordinate addition to the host dwelling, retaining the open and spacious aspect of the appeal site, and due to existing landscape and boundary features, the character and appearance of the appeal site would maintain the openness of the surrounding land.
16. However, whilst the siting and surrounding vegetation would limit its visibility to some extent, it would not fully screen it from view, and it would remain visible from Dillywood Lane. Consequently, the proposal would detract from the visual openness of the Green Belt.
17. Furthermore, the proposed development would occupy a floor space area of approximately 36 square metres with a maximum height of approximately 4 metres in an area which is presently a gravel parking area. In creating a building on land where there is currently none, the spatial openness of the Green Belt would be manifestly reduced.
18. The proposal would have a much greater effect on the spatial and visual openness of the Green Belt, when compared to the existing development at the site.
19. In conclusion, the proposal would lead to a loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework. It would also conflict with Policy CS02 of the CS in this regard.

Character and appearance

20. Dillywood Lane is characterised by detached houses in sizable plots which are set back from the road. These have deep and open front gardens and this contributes to the open quality of the street scene.
21. The proposed wooden double garage would result in an increase in the amount of built development within the existing residential curtilage and would introduce built development into an area of the site which is currently open and devoid of any development.

22. By virtue of its position at the front open area, which is also at an elevated position from the street and being so close to the street it would appear more prominent than the principal dwelling. Though there is landscaping to the street frontage, by virtue of its size and position, the double garage would not be completely screened and would be viewed through gaps at the site access. It would appear overly large and would detract from the main building and would be out of keeping with the character of the surrounding area.
23. For these reasons the proposed development would conflict with Policies CS02, CS12 and CS19 of the CS and saved Policy C13 of the LP and with the Framework. These, amongst other things seek to ensure that new development contribute to the street scene, the quality of the public realm and character of the area.

Other considerations

24. The appellant has drawn my attention to a recently approved scheme for a neighbouring property¹. They have cited excerpts from the planning officer's report which show that the total increase in internal floor space area amounts to approximately 80 percent. Though it was a numerical increase above the threshold set out in Policy C13, the Council considered that it did not necessarily amount to disproportionate additions. The appellant suggests that this confirms that the limit set out in Policy C13 whereby extensions should not exceed one third of the gross floor area of the original dwelling is not set in stone, and the same considerations should be applied to the appeal proposal.
25. Nevertheless, the same consideration was applied to the previous approved scheme at the appeal property² which has also resulted in a property which now exceeds the stipulated threshold. Furthermore, the Council state that the approved scheme at Dillybank involved replacing an existing detached garage to the front of the property that has been there since the 1990s. Given this, that proposal is not comparable with the appeal proposal which is an incremental addition to previously approved extensions which would result in a cumulative increase. Moreover, each proposal must be considered on its individual merits. I therefore give this limited weight in favour of the proposal.

Green Belt balance.

26. Paragraph 152 of the Framework identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be attached to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.
27. I have concluded that the proposal would be inappropriate development in the Green Belt and that it would also have some harm to the openness of the Green Belt. It would also give rise to harm to the character and appearance of the surrounding area, and I attach substantial weight to this harm.

¹ 20210553 relating to Dillybank

² 20161124

28. The proposal would not doubt have some benefits to the occupiers of the property and the other considerations which have been put forward have limited positive weight in the overall balance.

29. Therefore, in considering the substantial weight given to the Green Belt, I am of the view that the very special circumstances necessary to justify the development do not exist and the proposal would conflict with the Framework, and Policy CS02 of the CS.

Conclusion and Recommendation

30. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

31. I have considered all the submitted evidence, and my representative's report, and on that basis the appeal is dismissed.

Chris Forrett

INSPECTOR