
Appeal Decision

Site visit made on 11 September 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25th September 2017

Appeal Ref: APP/K2230/W/17/3174691

1 Smallholdings, Round Street, Sole Street, Cobham, Kent DA13 9AY

- 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 Gee against the decision of Gravesham Borough Council.
 - The application Ref 20160088, dated 31 May 2016, was refused by notice dated 20 March 2017.
 - The development proposed is described as 'erection of two storey rear extension with front porch and raised balcony to the west elevation, provision of vehicular access to Round Street including a change of use of a small area of agricultural land and variation of condition 2 to permission 20130407'.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr & Mrs Gee against Gravesham Borough Council. This application will be the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area; and
 - If the proposal would be inappropriate development, 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 it.

Reasons

Whether the proposal would be inappropriate development

4. Policy CS2 of the Gravesham Core Strategy 2014 (CS) states that development in rural areas will be supported where it is compatible with national policies for protecting the Green Belt. National policies for the protection of the Green Belt are set out in Section 9 of the National Planning Policy Framework (the Framework).

5. Paragraph 89 of the Framework establishes that the construction of new buildings is inappropriate development subject to a number of exceptions. The definition of a building includes part of a building and therefore extensions can be inappropriate development. Nevertheless, the extension or alteration of a building is not inappropriate development provided it does not result in disproportionate additions over and above the size of the 'original building'.
6. The term 'original building' is defined in the Glossary of the Framework. As the appeal building was probably constructed in the early 20th Century, the original building for the purposes of this appeal is as it was on the 1 July 1948. There is nothing before me to suggest the appeal building has been extended since 1948 save for a small rear porch which will be incorporated into the proposed extension in any event.
7. In considering whether the appeal scheme would result in disproportionate additions to the existing building a useful starting point is saved Policy C13 of the Gravesham Local Plan 1st Review 1994 (LP). This states that an extension to a dwelling in the countryside should not exceed one third of the gross floor area of the original dwelling and the massing, scale and form should be appropriate to the existing dwelling and the Green Belt setting. Policy CS13 pre dates the Framework but it has nevertheless been saved and is a local interpretation of what may amount to an inappropriate addition. There is nothing of substance before me to suggest the policy is inconsistent with the Framework and therefore it can be afforded significant weight in the context of Paragraph 215 of the Framework.
8. The Council have calculated that the original footprint of the property is 116.62 square metres and the proposed additions would equate to 66.96 square metres. The appellants do not dispute these figures. As such, when applying the Council's figures the up lift in floor area would amount to a 57% increase.
9. The appeal scheme includes a number of components including a single and two storey rear extension, dormer windows, a front porch and a side balcony. The notable extent of cumulative accretions to all elevations would result in the building having a substantial and overt uplift in size and massing. This is even though the ridge height of the proposed extension would be no greater than the original. As such, if the appeal scheme was implemented the dwelling would have the visual appearance of having been disproportionately enlarged. This assessment goes beyond just a calculation of floor space.
10. The appellants have suggested that the appeal scheme is not inappropriate development as the appeal property could be extended considerably by enacting permitted development rights¹. Nevertheless, the test in the Framework is whether the proposal would amount to disproportionate extensions relative to the original building, not the original building plus extensions that could potentially be allowed under permitted development rights. As such, this is a point of very limited weight. Similarly, the proposed additions may be based on those at Hero's Cottage but this has little bearing on whether the appeal building would be disproportionately extended, as such an assessment turns on what is proposed rather than what has come before on adjoining dwellings.

¹ Under part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

11. Consequently, from a numerical and visual assessment of the separate components of the proposal, I conclude that it would cumulatively result in disproportionate additions to the original dwelling. Thus, it would be inappropriate development in the Green Belt when applying Paragraph 89 of the Framework. Inappropriate development is, by definition, harmful to the Green Belt. The proposal is therefore contrary to Policies CS2 of the CS and saved Policy CS13 of the LP, which seek to prevent harm to the Green Belt by limiting inappropriate development.

The effect on the openness of the Green Belt

12. The appeal scheme would result in a disproportionate increase in the massing and size of a built feature in the Green Belt. This would erode the openness of the Green Belt contrary to the fundamental aim of this planning designation as set out in Paragraph 79 of the Framework. Moreover, the erosion of openness would be visible from Round Street as both the front and rear elevations of the appeal property are clearly evident from this vantage point. Nevertheless, due to the modest scale of the appeal scheme the adverse effects on the openness of the Green Belt are limited.

The effect of the proposal on the character and appearance of the area

13. As already established above, the appeal property is visible from numerous vantage points along Round Street. The area around the appeal site, which is within the Meopham Downs Landscape Character Assessment Area, predominately encompasses open paddocks and fields interspersed with hedges, woodland, sporadic housing and agricultural buildings. As such, there is an intrinsic rural character to the area which the existing building does not offend due to its mature appearance, modest scale, simple and unbroken roof form and through the use of an unassuming and locally appropriate pallet of materials.
14. The appeal scheme is based on the additions and alterations to Hero's Cottage but it would not be a replica. The proposed alterations would be larger and would include a number of discordant features including a large balcony and an over-sized front porch. These aspects of the proposal would jar with the host dwelling and erode further the balanced symmetrical composition the semi was likely to have originally had. An impact that would be exasperated by the removal of a chimney and the retention of non-matching window designs. The additions would subsume the existing building and significantly increase its scale. This would result in it having a greater presence and appearing more strident in views from Round Street.
15. The adverse impacts are tempered to an extent by the presence of the additions at Hero's Cottage, which ensures the appeal scheme would not appear wholly incongruous. Nevertheless, my overall conclusion is that there would be some moderate harm to the appearance of the appeal property and the rural character of the area from aspects of the proposal and this would be contrary to Policy CS19 of the CS.

Other Considerations

16. The appellants have suggested that extensive extensions could be constructed at the appeal property by enacting permitted development rights and these would have a greater impact on the Green Belt and the character and

appearance of the area than the appeal scheme. Therefore, they opine, it would be unreasonable to deny planning permission given this fall back position.

17. However, I have not been presented with substantive information to suggest this is anything more than a theoretical proposition. For example I have not been presented with detailed drawings of an alternative scheme or anything to suggest the appellants have genuinely explored the implementation of a fall-back position², such as a builders quote. Moreover, there may be other reasons why the fall-back position may not be implemented, such as the ability to finance it, technical issues or that it may appear unsightly.
18. In the absence of evidence that the above matters have been considered I do not consider the implementation of the fall-back position can be considered a likely prospect in the event the appeal is unsuccessful and therefore it is a material consideration of limited weight.
19. Hero's Cottage has been referred to as a 'precedent' and it is correct to say that similar applications should be considered in a similar manner. However, there are some notable differences between the appeal scheme and what has been implemented at Hero's Cottage. Furthermore, the alterations to Hero's Cottage were apparently permitted in 1990 and therefore predate the 1994 Local Plan. As such, this is also a matter of limited weight.
20. The appeal scheme includes a change of use of a small parcel of land to facilitate vehicular access from a previously implemented highway access. This change of use is development in the Green Belt that is not covered by any of the exceptions in Paragraph 89 of the Framework and therefore could amount to inappropriate development. The operational development needed to create the driveway could however, be considered an engineering operation under Paragraph 90 of the Framework.
21. Nevertheless the Council have not raised any objections to this part of the proposal as, presumably, they have found that it is either not inappropriate or there are very special circumstances outweighing any harm that may have been caused to the Green Belt. In this respect, I note that the Council has referred to a previous absence of off road parking and the betterment that has accrued from providing this. I have no reasons to disagree with the Council's conclusion. However, the provision of off road parking was not reliant on the proposed additions to the house being implemented and therefore this is a benefit of very limited weight in justifying the totality of harm I have identified.
22. The Council have not identified any harmful impacts save for those set out on the decision notice. However, the absence of harm in respect of other matters is not a benefit in favour of the appeal scheme. Instead it is a neutral matter. I therefore conclude that when taken together, the other considerations discussed above attract limited weight as matters in favour of the proposal.

Whether there are Very Special Circumstances

23. Paragraph 87 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist

² Especially to its maximum extent

unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

24. I have concluded that the proposal is inappropriate development that, by definition, harms the Green Belt. I have also concluded that the proposal results in some limited harm to the openness of the Green Belt. Paragraph 88 of the Framework requires substantial weight to be given to any harm to the Green Belt. I have also identified some moderate harm to the character and appearance of the area.
25. On the other hand, the other considerations referred to by the appellants only carry limited weight in favour of the proposal. As such the harm to the Green Belt, and any other harm, is not clearly outweighed by other considerations. Consequently, the very special circumstances necessary to justify the development do not exist. Accordingly the proposal is contrary to local and national planning policies when read as a whole and is not sustainable development for which the Framework carries a presumption in favour.

Other Matters

26. The application presented to the Council also included the variation of condition 12 of planning permission 20130407. The Council have not raised objections to this part of the proposal. However, planning permission is required under Section 57 of the Act to undertake development. The variation of a condition is not development and therefore a separate application under Section 73 of the Act is likely to have been the most appropriate mechanism for dealing with this matter. This is especially so as a new standalone permission, which would sit alongside planning permission 20130407, would need to be issued by the Council if the Section 73 application was approved. In any event, the appeal has been dismissed for other reasons and therefore I do not need to consider this matter further.

Conclusion

27. The appeal scheme would be contrary to the development plan taken as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR