



Appeal Decision

Site visit made on 19 December 2011

by Roger Pritchard MA PhD MRTPI

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

Decision date: 23 December 2011

Appeal Ref: APP/X0360/D/11/2164848

Three Oaks Stud, Edneys Hill, Barkham, Wokingham, RG41 4DS

- 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 Jeremy Ghose against the decision of Wokingham Borough Council.
 - The application Ref F/2011/1718, dated 29 July 2011, was refused by notice dated 13 September 2011.
 - The development proposed is the erection of a single storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey side extension at Three Oaks Stud, Edneys Hill, Barkham, Wokingham, RG41 4DS in accordance with the terms of the application, Ref F/2011/1718, dated 29 July 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans as received by the local planning authority on 2 August 2011: Existing and Proposed Floor Plans (Rev.A), Existing and Proposed Side Elevations (Rev.A), Proposed Front and Rear Elevations (Rev.A) and Proposed Elevation Details (Rev.A).
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no development as permitted by Classes A, B and C of Part 1 of the Second Schedule to the Order shall be carried out.

Main Issue

2. I consider the main issue to be the effect of the proposed development on the character and appearance of the surrounding countryside.

Reasons

3. The proposed development would add a single storey conservatory to the east elevation of a detached, chalet bungalow of modern design situated in the open countryside.
4. Policy CP11 of the adopted Wokingham Borough Core Strategy will not normally permit development proposals outside recognised settlement boundaries. However, exceptions will be made for residential extensions where these do not result in inappropriate increases in the scale, form or footprint of the original building. Policy CP11 is reinforced by adopted Supplementary Planning Guidance (SPG) B5. This recommends a maximum 50% increase in volume over the original building for extensions to dwellings in the open countryside.
5. The original dwelling at Three Oaks Stud, as given permission in the late 1970s, appears to have had a volume of something over 1,100m². A major extension in the early 1990s added a first floor lit by dormer windows. The result was to increase the volume of the dwelling by some 60% to something over 1,800 m². In addition, a sizeable detached garage had been granted permission in 1980 and a separate swimming pool and games room was built under permitted development rights some time after the turn of the century. The size of the proposed extension would be just below 200m² and has been calculated by the Council to result in a cumulative increase of some 77% over the volume of the original dwelling.
6. The proposed extension would be compatible in style and materials with the main building and I note that the Council has not cited in its reasons for refusal any detrimental impact to the character and appearance of the existing dwelling. The extension would be in excess of 200 metres from the closest adjacent dwelling and no material harm would result from its relationship to neighbouring properties.
7. Taking the main dwelling and its outbuildings together, Three Oaks Stud represents a substantial residential complex. However, it is not out of character in an area where large dwellings in substantial curtilages are typical. The buildings sit well over 100 metres from the nearest highway and there would not appear to be any significant public perspectives of those buildings in general or the proposed extension in particular. The proposed extension would face open land to the west but any visual impact would be largely lost against the background of the existing dwelling.
8. The proposed extension would increase the footprint of the main building at Three Oaks Stud and onto undeveloped land that is currently part of the dwelling's garden. It would thereby increase the spread of built development into the open countryside. However, I consider that its effect would, in practice, be minimal. In terms of the impact of the scale form and footprint of the proposed extension, there would, in my view, be no significant material harm to the character and appearance of the surrounding countryside.
9. Notwithstanding my assessment of the lack of material harm resulting from the proposed development, I recognise the risk that can arise from the progressive, incremental expansion of dwellings in the open countryside. Policy CP11 and its supporting SPG are specifically intended to prevent this. Moreover, the Council's concerns about these matters had been reflected in its

withdrawal of those permitted development rights which would allow the expansion of the main dwelling without the need to seek planning permission.

10. These concerns should not be set aside lightly. Nevertheless, I note that the proposed development represents the first application to extend the property for almost twenty years. Moreover, the impact of the proposed extension on the character and appearance of the surrounding countryside would be minimal and the criteria set by Policy CP11 of the Core Strategy are thereby met. In these circumstances, I consider that the numerical limit recommended by the SPG can be set aside.
11. I therefore conclude that planning permission should be granted for the proposed development, subject to the imposition of the standard conditions that set a time limit for the development and ensure that it is carried out in accordance with the approved plans. I also agree with the Council that conditions should be imposed to ensure that the materials used in the construction of the extension are compatible with those employed in the main building and that permitted development rights to extend the development are withdrawn. I shall impose such conditions.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

Roger Pritchard

INSPECTOR



Planning Appeal

for proposed single storey extension
at Three Oaks, Evendons Lane, Barkham, Wokingham, RG41 4DS
for Mr Ghose
October 2011
Job ref: 1030PA



- 1.0 Introduction**
- 2.0 Previous Planning History on the site**
- 3.0 Analysis of previous refused application 2011/1718 in relation to site character and context**
- 4.0 Conclusion**
- 5.0 Appendix**

1.0 Introduction

- 1.1. UK Planning Appeals have been commissioned by the Applicant Mr J Ghose of Three Oaks, Evendons Lane, Barkham, Wokingham RG41 4DS to submit an appeal on his behalf following Wokingham Borough Council's refusal of the recent application to erect a single storey side extension to the dwelling.
- 1.2. The Agent for the refused application was UK Planning Appeals of Somerville House, 20-22 Haborne Road, Edgbaston, Birmingham, B15 3AA. The application was submitted to the Council on 2nd August 2011 and was registered under application reference F/2011/0427.
- 1.3. The application was refused on the 13th September 2011 and the single reason given for the Refusal was as follows.
 - By virtue of the resultant cumulative increase in the Volume of Three Oaks and the spread of built form into an undeveloped part of the site, the proposed extension would alter the scale and footprint of the existing dwelling in a manner which would have a detrimental impact upon the open and rural character of the surrounding countryside. The extension would therefore represent inappropriate development which is contrary to policy CP11 of the Core Strategy and Supplementary Planning Guidance B5.
- 1.4. This Appeal Statement has been prepared to give an overview of the planning history on the site, the context of the application site and offer supporting evidence and arguments as to why this revised planning application should be approved.

2.0 Previous Planning History on the site

2.1 The Case Officer's Report under refused application F/2011/17/8 describes the property as a large detached chalet bungalow with detached garage and swimming pool to the side and rear of the main dwelling.

2.2 The Planning History is confirmed as follows

2.2.1 Planning reference 04920

Plans were approved to build the bungalow and garage on 8 July 1978 within the overall plot which exists unchanged today.

2.2.2 Planning reference 13948

Plans were approved on 28 August 1980 for garage and internal alterations.

2.2.3 Planning reference 36574

Plans were refused on 18 January 1990 for a first floor extension, including dormer window, but allowed at Appeal on 28 May 1991.

2.2.4 Planning reference 41421

Amendments were approved to the Appeal approved application 36574 on 17 September 1993.

2.2.5 Planning reference F/2000/2447

Proposed single storey replacement building to house swimming pool and games room. Refused on 19 December 2000 on the grounds of inappropriate scale, bulk and massing in the countryside.

As confirmed in the report the swimming pool building was subsequently built under permitted development rights.

2.2.6 Planning reference F/2004/1268

Proposed single storey side extension to form conservatory - Application was withdrawn.

2.2.7 Planning reference F/2011/0427 - Proposed single storey side extension to dwelling

Plans and information prepared by the Agents I B Design included with the application were as follows -

Plans numbers 1 to 4 Revision 1
(Existing and Proposed Floor plans and elevations)

Plans numbers 1 to 3 Revision 1
(Block Diagram and Elevation Details)

- 2.3 The Case Officer for recently refused Planning application reference F/2011/17/8 confirmed the following in relation to the Principle of Development:

The site is located in the Countryside and therefore within the remit of Policy CP11 of the Wokingham Core Strategy, which states that development outside defined settlement boundaries will not normally be permitted in order to retain the separate quality of settlements and maintain the quality of the rural environment. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale of activity, mass, layout, built form, height, materials and character to the area in which it is located and must be of high quality design without detriment to the amenities of adjoining land uses and occupiers.

- 2.4 Comments were then made on the Impact of the Character of the Area. The extension subject to this Appeal was described as a sun lounge which will project out by 7 metres and will be 5.4 metres in height with a hipped roof. It will be sited in the flank elevation of the dwelling in an area currently occupied by lawn and a paved walkway along the side of the house.

It goes on to describe the building as a large detached bungalow which is a chalet structure which has been previously enlarged at first floor level. Within the site are two substantial outbuildings a garage and a swimming pool all being set in a large gated plot some 140 metres north of a public highway, Edneys Hill. The buildings are only visible from the road at a distance across the paddocks to the west and from the private residential gardens of nearby dwellings and the nursery (Toad Hall) to the south. The overall character of the area is of low density development with agricultural and equestrian activity, open fields and hedgerows.

- 2.5 The proposed site for the sun lounge extension is at the side of the dwelling and is currently undeveloped garden apart from some paving next to the dwelling and is partly screened to the side by large conifer bushes. The extension would be 10 metres from the boundary fence of the open paddock immediately to the west of the site which is under ownership of the Appellant.
- 2.6 The Council confirm that their supplementary Planning Guidance for Extension of Dwellings recommends a maximum 50% guideline volume increase for extensions to dwellings in the countryside over the volume of the original dwelling on the site. They confirm the

original dwelling was extended in the early 1990's with the addition of dormers and a first floor extension. They calculate the volume of the original bungalow was approximately 1127m³ and is now 1804m² which equates to a previous increase of 60%. They have also calculated the proposed single storey extension would add a further 195.8 m³ and this would bring the cumulative volume increase of the property to 77.4%. This is described as being well in excess of the recommended 50% guideline volume limit and indicates a significant additional increase in built form over and above that already in existence at the site. They go on to confirm that volume is not the sole consideration in terms of assessing harm but it does indicate the considerable growth in built form on the site over time and this cumulative impact must be included when assessing the impact of the proposal on the surrounding countryside.

- 2.7 The Council suggest that although the proposed extension would be single storey and subservient in height and not be as visually prominent as the first floor extensions previously allowed on the site by the Planning Inspector who dealt with that Appeal it is concluded that it will result in encroachment onto a currently open part of the site beyond the limits of the existing footprint of the dwelling. As a result the proposal will increase the spread of built form in the countryside as well as further enlarging an already substantial building.
- 2.8 The Council then refers to Policy CP11 of the Core Strategy which requires that residential extensions in the Countryside do not result in inappropriate increases in scale, form or footprint of the original building. It goes on to say that the Application proposal will be higher and built with a greater percentage of solid materials and will have a greater visual impact than the conservatory proposed under the withdrawal application in 2004. They reconfirm the conifer bushes partly screen the relevant elevation, but as the trees cannot be relied upon to remain insitu so they cannot be relied upon to the long term screen. If it was removed the extension could be more visible.
- 2.9 As a result of the above issues the officer confirmed that the proposal should be refused on the basis of its increase in volume which would result in a detrimental impact upon the surrounding countryside, contrary to Policy CP 11.
- 2.10 **Other Issues**
The Council confirmed the proposed sun lounge would have only minimal impact on the Application site's amenity space, no impact on neighbours, or highways.



Top - Aerial photo of site context as existing

Left - Aerial photo of application site in closer detail

3.0 Analysis of refused application 2011/17/8 in relation to site character and context

- 3.1 The Council concluded that the application 2011/17/8 for a small extension should be refused on the basis that the increase in volume would result in a detrimental impact upon the surrounding countryside, but they have not looked at it in a proper way to establish what is the character and context of the existing dwelling and the surrounding countryside.
- 3.2 The Council confirms that their Supplementary Planning Guidance B5 recommends a maximum 50% volume increase for extensions to dwellings in the countryside over the volume of the original dwelling on the site. Clearly it is important to assess that recommendation in relation to the existing dwelling and its site and also alongside its wider setting in the open countryside. If the site was covered by Green Belt policies one would need to assess what is the harm to the Green Belt area and the same test would apply here. That is to say what would be the harm on the countryside?
- 3.3 As the council will be aware, different Councils across the UK have adopted their own different guidelines for extensions in Greenbelt and Countryside locations. Some guidelines are based on square metres floor area and others are based on cubic metre volume and the range of percentages vary from 20%, 30%, 40%, 50% with the example Bridgenorth District Council having a guideline of 75% all based on the same National Policy. A number of Councils do not set a limit but look at the individual site on its merits which in many ways is more helpful in achieving the ultimate goal of a high quality design.
- 3.4 Moving back to the Application site Wokingham Borough Council have a recommended maximum guidance figure of 50% within Policy B5 which is cited by the Council in the first reason for the refusal the Council confirm in 1.07 that “within our District Countryside should accommodate necessary development without sacrificing local character”. It goes on to say that “Countryside areas can accommodate many forms of development without detriment, if the location and design of development is handled with care”. “Within the countryside areas the Council considers it important that a range of types of housing are maintained in accordance with national housing guidance.



Aerial photo of dwelling as existing

3.5 In the same document Policy WCC7 is referred to as dealing with extensions to dwellings in the Countryside and requires that there is no significant adverse alteration to the scale and requires that there is no significant alteration to the scale of the dwelling and the scale of development on site. It also refers to impact and design issues covered in other supplementary planning guidance and development plan policies.

3.6 Whilst this is not a replacement dwelling under consideration the B5 document does confirm some points which relate to any assessment as to whether development in the Countryside is harmful or not.

3.6.1 Size of Dwelling

It is confirmed that the essential issue here is the effect or impact on the character and appearance of the countryside in comparison with that of the existing dwelling. The key elements of this are the external volume and height compared with the existing dwelling. The bulk, scale, massing and design of the replacement dwelling will be critical in terms of its impact.

It goes on to say “the assessment of impact should include from long views, where appropriate, i.e. where the dwelling is sited in a more open and exposed position, particularly in the Green Belt, Gaps/ Green Wedges and Areas of Special Landscape Importance (ASLI’s).

3.6.2 Height

The height of the replacement dwelling should not significantly exceed that of the existing. This is particularly important if any increase in the length of the ridge of the roof is proposed (increase in massing). There must be no significant adverse impact visually or upon amenity within the countryside.

3.6. Size Increase

A more than 50% increase in volume when compared with the volume of the “original” dwelling is a useful indicator of potential impact. However, this is only one aspect of impact on Countryside character. Each case must be considered on its merits. This may result in development below this indicative threshold being considered unacceptable. This will be, if the proposal is judged to have a material and detrimental impact on the Countryside character or other un-neighbourly effects due to bulk scale, massing or design for example.



Site photo A of site looking south east as existing



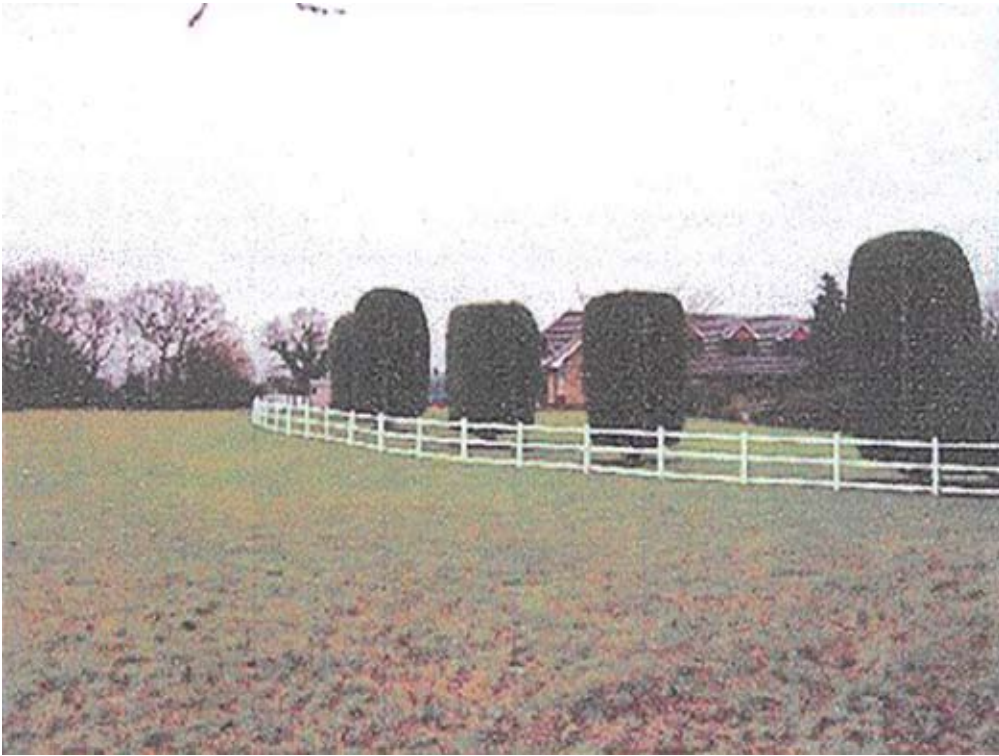
Site photo key plan showing position and direction of photos A, B + C

An applicant should provide a statement to justify the need for the proposed development that will include the planning policy context, site survey and design concept. This will usefully show how the development will complement the wider countryside character.

- 3.7 These notes apply to replacement dwellings and so the statement to justify the need for development would not have been required as part of the submission for the Application side extension. The points covered though are relevant because they show the Council's intention to look at alterations in Countryside areas and assess them on their merits, how they will compliment the wider countryside character, will there be a significant adverse impact visually or upon the amenity of the Countryside etc. This is a much broader and more rounded intention of assessment than is the development 1% over the 50% by volume limit which is the way the case officer has assessed the case. The Council confirm the 50% is a guidance figure and it is very often the case that the original authors of these guidance limits will tell you it was intended not to be a hard and fast limit. Unfortunately many officers either do not understand that or assume it is a fixed limit which cannot be broken. Surely with that as a guide the officer should have made assessments based on the impact on the Countryside and not just dismiss the application purely on percentages.
- 3.8 As the Case Officer has not carried out a proper analysis of the site and the local area we propose to make comments on that as part of this revised planning application.
- 3.8.1 The Application site consists of three roughly rectangular plan forms with simple barn like roof forms. The dwelling runs roughly east to west across the site with the permitted development swimming pool building to the north running parallel to the dwelling and with a courtyard between the two buildings.

There is a simple rectangular garage building sited to the east of the other buildings running from roughly north east to south west with the three main blocks looking from a Satellite View like three barn type structures which are fully in keeping with the building forms expected within the Countryside.

The group of buildings are situated in a substantial residential curtilage in the south eastern corner of the overall plot with agricultural land / paddocks to the north and west. The whole site is enclosed by mature trees and hedges which is a pattern which repeats around many of the adjoining fields.



Site photo B of site looking north as existing



Site photo C of site looking north east as existing

- 3.8.2 All around the site are neighbouring properties and farms which have similar developed footprints or larger footprints. Some of these are farms and some are private dwellings. Most also have simple building forms like the Application site and virtually all of the sites have had buildings or extensions to buildings added at various time. Despite the detail of each being different they are all characterised by having groups of buildings set within defined cartilages which in turn are separate from neighbouring sites by open green land with for the most part the land defined by hedge and tree boundaries. In short the Application site follows the character and pattern of the local area.
- 3.8.3 The proposed extension with a footprint of roughly 7 metres by 7 metres sits adjacent to the south western corner of the existing lounge and is a similar size to the single storey section of building on the eastern end of the property and the single storey section of lounge to the south of the main range where the existing lounge is situated. The extension would have no impact on the site and wider local area. It would also be consistent with the pattern of other buildings in the local area as can be seen from the aerial view.
- 3.8.4 The materials proposed for the extension would match the existing property and the extension when completed would look as if it had been part of the original design.
- 3.9 The Case Officer has referred to the first floor extension which clearly has been the only previous extension to the dwelling. By the Council's figures they confirm the original 1978 bungalow had an approximate volume of 1127m³. When the section of first floor was added in number terms this increased the volume to 1804m³ which equates to a 60% increase in volume which is over the 50% recommended by the Council in their Guidance notes. When one looks at the way the space was created it is clear that it is within the roofspace and it has not increased the original footprint at all. The original bungalow walls do not appear to have been altered, but the roof has clearly been raised. The only evidence of extra accommodation is the presence of the dormer windows on the long north and south elevations. Because of the way the extra space was created nobody, looking at the dwelling now, would know that it has been extended. If the bungalow as first built had included the same roof the roof space inside could have been converted without requiring consent. In short the additional space may be 60% of the original but because of the way it has been created it has had no impact on the dwelling, the site or the surrounding countryside.

This is one of the reasons why cases should be looked at on their merits because the detail of the design has a major influence on the effect the design has on the local area. If the additional space had been added as single storey space it would have had a greater effect on the site, but even then if the simple barn like forms had been used it would not have been detrimental to the open countryside.

- 3.10 Clearly some work has been completed on the site using permitted development rights. If the space in the roof had pre-existed and had been converted without requiring consent permitted development rights would have allowed a side extension of no more than 4 metres in height or more than one storey or to be wider than half of the width of the house. The existing house is around 32 metres in frontage width and this would allow a sun lounge extension of up to 16 metres in length which is over twice the size of the extension indicated on the drawings. Clearly the overall height would have had to slightly reduce but it seems odd that the relatively small extension has been deemed unacceptable.
- 3.11 Looking at a proper assessment of the case we fail to see how the proposed sun lounge extension has any impact at all on the site or the Countryside. It has no effect on the character and appearance of the dwelling and the appearance in the Countryside. By the Council's admission it is subservient to the existing dwelling, and it sits within the Countryside perfectly acceptably when viewed from close range and from any long views although very few views from out of the confines of the site are available. In other words the proposed extension would pass all of the other tests the Council consider to be of more importance when assessing buildings in the Countryside.
- 3.12 As already noted the 50% increase for extensions to existing dwellings is not a fixed amount it is a guidance figure. In this case the first floor extension has had such a small impact on the site the 60% percent increase could even be ignored. Clearly the Inspector who allowed the Appeal for this additional first floor accommodation was happy that there was no detrimental impact. If it was felt that in this case the first floor impact was so minimal on the Countryside then it would be reasonable to assess the extension in relation to the original bungalow volume. If that is the case it is clearly well below a 50% increase which would comply with the Council's guidance figure.

As noted already, however, we strongly feel this is not a good test in this case and it is fairly meaningless in assessing the impact on the countryside on this site.

- 3.13 In the end the ultimate test is would the sun lounge extension be harmful to the Countryside or not. We believe that is most definitely not the case. We would ask the Inspector to carryout their own wider assesment of the case and form a balanced view which has not been done by the Council when they determined the application.
- 3.14 Finally there is one further mitigating factor. The floor level of the existing building is set around 1.2 metres below the ground level to the front of the site which is indicated in one of the application drawings. This further reduces the apparent scale of the building and also disguises the proposed sun lounge along with the trees when viewed from the south. It the ground levels are taken into account in visual terms it considerably reduces the impact of the building when viewed from a distance which is a further factor not looked at by the straight forward percentage increase in volume approach.
- 3.15 We would like to refer the inspector to a recent Appeal decision dated 29 September 2011 - Appeal reference APP/G2245/D/11/2159072 - Grove Cottage, Shelly's Lane, Knockholt, Kent. A copy of the inspector's decision is attached to this appeal in the Appendix section. That appeal concerned the addition of a conservatory / sunroom to a property that had already been extended over the councils guideline limit. The inspector allowed that appeal saying in point 14 that:

'The low key conservatory would be modest in size and subservient to Grove Cottage. It would also be wholly screened from public view. These factors in combination, clearly outweigh the totality of harm that would be caused by reason of inappropriateness and provide the very special circumstances necessary to justify the development'

For the above reasons and looking at the case as a whole, I conclude that the appeal should be allowed.

We feel that the Three Oaks Appeal has very strong similarities to Grove Cottage and we would urge the inspector to take that Appeal decision into consideration when determining this Appeal.



Photo montage side view as proposed with existing inset



Photo montage rear view as proposed with existing inset

4.0 Conclusion

- 4.1 As stated we believe the Council have only assessed the recently refused application in a most simplistic way and not judged the case on its merits.

The 50% increase in volume is only a guidance figure and as the document B5 states that whilst it is a useful indicator it is only one aspect of impact on the Countryside.

Each case should be considered on its merits if a proper assessment of the character of the Countryside had been made and then a proper assessment on the impact on that character had been carried out we feel the Council would have come up with a different view and supported the application.

- 4.2 We would now invite the Inspector to review the revised application for a similar single storey extension and to make a new assessment of the impact of the proposal on the countryside.

When that is done and a balanced view taken we feel the Appeal would be supported and consent granted.

5.0 Appendix

5.1 Allowed Appeal APP/G2245/D/11/2159072 - Grove Cottage, Shelley's lane, Knockholt, Kent, TN14 7PH



Appeal Decision

Site visit made on 29 September 2011

by **R J Maile BSc FRICS**

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

Decision date: 4 October 2011

Appeal Ref: APP/G2245/D/11/2159072
Grove Cottage, Shelleys Lane, Knockholt, Kent, TN14 7PH.

- 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 Tony Birch against the decision of Sevenoaks District Council.
- The application ref: SE/11/01006/FUL, dated 12 April 2011, was refused by notice dated 16 June 2011.
- The development proposed is single storey rear conservatory.

Decision

1. The appeal is allowed and planning permission is granted for single storey rear conservatory at Grove Cottage, Shelleys Lane, Knockholt, Kent, TN14 7PH, in accordance with the terms of the application ref: SE/11/01006/FUL, dated 12 April 2011, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the conservatory hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Plan:	scale 1:2500.
Drawing no. W 041123:	Existing floor plan and elevations – scale 1:100.
Drawing no. W 041123:	Proposed floor plan and elevations – scale 1:100.

Main Issues

2. The main issues in this case are:

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- a) Whether the proposal is inappropriate development for the purposes of PPG 2¹ and Development Plan policy.
- b) The effect of the development upon the openness of the Green Belt and the purposes of including land within it.
- c) 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

- a) *Whether inappropriate development.*
3. Grove Cottage is one of a pair of semi-detached bungalows in a rural location beyond the village of Knockholt and within the Metropolitan Green Belt. The bungalow is constructed of part brick and part UPVC shiplap boarded elevations beneath a tiled roof. A single storey extension of brick and tile has been constructed to the rear pursuant to planning permission granted in 1996.
 4. There is some doubt as to the form of the original dwelling, which from the evidence of the rear brick wall, may well be Victorian or even earlier.
 5. National guidance in PPG 2 sets out a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances (paragraph 3.1). It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraph 3.2).
 6. The construction of new buildings inside a Green Belt is inappropriate unless it is for one of the purposes clearly specified in the guidance, including the limited extension, alteration or replacement of existing dwellings (paragraph 3.4). This exception is further defined in paragraph 3.6, which states: *"Provided that it does not result in disproportionate additions over and above the size of the original building, the extension or alteration of dwellings is not inappropriate in Green Belts."*
 7. "Saved" Policy H14A of the Development Plan² requires, at Criterion 2), that the gross floor area of the existing dwelling plus the gross floor area of the extension should not exceed that of the original dwelling by more than 50 per cent.
 8. There is conflicting evidence as to the form and floor area of the "original" dwelling in this case. Nevertheless, by reference to the Council's records and taking into account the extension that has been built to the rear the proposed conservatory would, in all probability, exceed the 50 per cent tolerance as permitted by "saved" Policy H14A (2).

¹ Planning Policy Guidance 2: Green Belts.
² The Sevenoaks District Local Plan (2000).

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9. I therefore find on the first issue that the proposal represents inappropriate development for the purposes of PPG 2 and Development Plan policy.

b) Effect upon openness of Green Belt.

10. The conservatory would be located to the rear of Grove Cottage and be wholly contained by the bulk of the existing bungalow and by the substantial property to the northwest (Hillside). The steeply rising rear garden of Grove Cottage and the woodland beyond will ensure that the conservatory will not impact upon the openness of the Green Belt.

c) Other considerations.

11. I have been provided with extracts from Ordnance Survey sheets dating back to 1871. These clearly show a pair of properties existing on the current site of Grove Cottage and Hillside next door. It is unlikely that these would have been bungalows and more than probable that they comprised two storey cottages. My site visit also revealed that the rear wall of the bungalow is constructed of solid brickwork. This supports the evidence of the Ordnance Survey extracts that a pair of dwellings existed on site well before 1948.

12. In further support of the proposal I have noted that the conservatory, at 17.2m², is of a modest size and would be subservient to the rear elevation, with a low eaves and ridge height. It would also be sited away from the boundary with Hillside next door. That property has been the subject of substantial extensions far in excess of those at Grove Cottage, including two storey structures and a detached garage with accommodation over.

Green Belt balancing exercise

13. It is far from certain that the original dwelling that existed on the site would have been single storey. The calculations of floor area upon which the Council has relied in formulating its decision are therefore open to doubt.

14. The low key conservatory would be modest in size and subservient to Grove Cottage. It would also be wholly screened from public view. These factors, in combination, clearly outweigh the totality of harm that would be caused by reason of inappropriateness and provide the very special circumstances necessary to justify the development.

Conclusion

15. For the above reasons, and looking at the case as a whole, I conclude that the appeal should be allowed.

Conditions

16. Condition 1 is necessary to ensure compliance with Section 91(1) (a) of the Town and Country Planning Act 1990. Condition 2 is imposed in order that the materials to be used in the construction of the conservatory are appropriate, bearing in mind the location of Grove Cottage within the Green Belt.

17. As to Condition 3, otherwise than as set out in this permission and conditions it is necessary that the development shall be carried out in accordance with the

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approved plans for the avoidance of doubt and in the interests of proper planning.

18. All of the conditions imposed meet the tests of Circular 11/95³ as to need and reasonableness.

R. J. Maile

INSPECTOR

³ Circular 11/95: The Use of Conditions in Planning Permissions.