

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

15 September 2010

Report of the Legal Services Partnership Manager

Part 1- Public

Matters for Information

1 PLANNING APPEAL DECISIONS

- 1.1 Site **Redwell, Redwell Lane, Ightham**
Appeal **Against the refusal of permission for the construction of a two bay open fronted timber framed garage, extension to driveway to serve new garage and erection of retaining walls alongside the new driveway extension**

Appellant **Mr Attenborough**
Decision **Appeal dismissed**

Background papers file:
PA/22/10

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The Inspector considered the main issues in this appeal to be:

- whether the proposal is inappropriate development for the purposes of *Planning Policy Guidance: Green Belts* (PPG2) and development plan policy;
- whether the development would adversely affect the openness of the Green Belt;
- whether the development would adversely affect the character and appearance of the area and the setting of the Listed Building; and
- 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

The appeal site lies within the Green Belt, Ightham Conservation Area and Ightham Common Area of Special Character. Although the site is located outside the settlement confines of Ightham it is in a predominantly residential area. The appeal property, which is a Grade II Listed Building, is located on the southern side of Redwell Lane. It is set well back from the road in extensive grounds and against a woodland backdrop.

Inappropriate development

Although the proposed garage would be detached from the main dwelling it would only be separated from it by approximately five metres and on this basis the inspector was satisfied that it should be considered in the same way as an extension to the property.

PPG2 states that the limited extension of dwellings within the Green Belt may not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original dwelling.

The original house has been altered and extended over time and the Council has indicated that the existing extensions have increased the size of the original footprint by approximately 143%, and that the proposed garage would result in a total increase over the size of the original dwelling of 187%. The appellant has not disputed the figures.

The built presence on the plot would clearly be increased by the erection of the garage and in view of the percentage increase over the original size of the dwelling the Inspector considered that the cumulative effect of the proposed garage and the existing extensions would be disproportionate additions over and above the size of the original dwelling. She therefore concluded that the proposed garage would be inappropriate development for the purposes of PPG2.

Policy CP3 of the Council's Local Development Framework Core Strategy (LDF), September 2007, requires proposals for development within the Green Belt to comply with national policy. As she has already concluded that the proposal would constitute inappropriate development within the Green Belt she also concluded that it would be contrary to Policy CP3 of the LDF.

Paragraph 3.2 of PPG2 recognises that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be attached to this harm when considering any planning application or appeal. 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. This is reflected in Policy CP14 of the LDF which allows the erection of an appropriate extension to a dwelling but requires inappropriate development within the Green Belt, which would otherwise be acceptable within the terms of the policy, to be justified by very special circumstances.

The effect on openness

PPG2 states that the most important attribute of Green Belts is their openness and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land within them permanently open. The proposed garage would introduce additional built development into an area of the site which is currently open garden land and as a consequence the openness of the Green Belt would be reduced. The Inspector considered that this would cause significant harm to the Green Belt and that it carries significant weight against the development.

The effect on character and appearance and the setting of the Listed Building

The site lies within the Ightham Common Area of Special Character where development is required to be compatible in terms of scale and density with the residential character of the area and located so as to reduce its impact on the woodland setting. The Inspector

noted that the Council is satisfied that the development would comply with this requirement and she had no reason to disagree.

Although the proposed siting of the garage to the side of the existing dwelling would necessitate the extension of the driveway and retaining walls, the setting down of the building into the site and the planting of replacement trees would ensure that the visual impact of the proposal would be minimised. In addition the proposed design and materials would ensure that the building would not detract from the setting of the Listed Building. She was therefore satisfied that the development would preserve the setting of the Listed Building and the character and appearance of the Ightham Conservation Area.

Conclusion

For the reasons given above, and having had regard to all other matters raised, the Inspector concluded that the development would be inappropriate and would cause harm to the openness of the Green Belt, both of which are factors carrying substantial weight against the grant of planning permission and which are not outweighed by her conclusion that the development would preserve the character and appearance of the area and the setting of the listed building. In the absence of any very special circumstances to justify the development she therefore dismissed the appeal.

Adrian Stanfield

Legal Services Partnership Manager