



The Planning Inspectorate

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Ms H Rose
Sevenoaks District Council
Assistant Appeals Officer
Council Offices
Argyle Road
Sevenoaks
Kent
TN13 1HG

Your Ref: SE/08/03187/FUL
Our Ref: APP/G2245/A/09/2106045/WF
Date: 1 December 2009

Dear Ms Rose

Town and Country Planning Act 1990
Appeal by Mrs Sarjinder Spink
Site at 82 School Lane, Horton Kirby, Dartford, DA4 9DQ

I enclose a copy of our Inspector's decision on the above appeal.

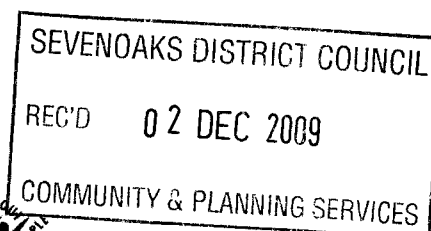
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Yours sincerely

Erin Lindell
COVERDL1



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Appeal Decision

Site visit made on 17 November 2009

by **David Smith BA(Hons) DMS MRTPI**

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

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Decision date:
1 December 2009

Appeal Ref: APP/G2245/A/09/2106045

82 School Lane, Horton Kirby, Dartford, Kent, DA4 9DQ

- 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 Mrs Sarjinder Spink against the decision of Sevenoaks District Council.
- The application Ref SE/08/03187/FUL, dated 11 November 2008, was refused by notice dated 21 April 2009.
- The development proposed is a rear ground floor open shelter – attached to property.

Decision

1. I dismiss the appeal.

Preliminary Matter

2. The appeal relates to a structure that has already been erected. It is open to the front and on one side and comprises white aluminium posts supporting polycarbonate roof sheets. It covers a concreted area which contained an outdoor table and a set of chairs at the time of my visit.

Main issues

3. I consider that the main issues are:
 - Whether the development is inappropriate development for the purposes of Planning Policy Guidance Note (PPG) 2: *Green Belts* and development plan policy;
 - The effect of the development on the openness of the Green Belt and on the living conditions of the occupiers of 81 School Lane with particular reference to daylight, sunlight and outlook; and
 - 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

4. PPG2 establishes that new buildings inside a Green Belt are inappropriate unless for one of a number of purposes. This includes the limited extension of existing dwellings. Paragraph 3.6 clarifies that an extension is not inappropriate provided it does not result in disproportionate additions over and above the size of the original building. Policy H14A of the Sevenoaks District

SEVENOAKS DISTRICT COUNCIL

REC'D 02 DEC 2009

COMMUNITY & PLANNING SERVICES

Local Plan sets out the Council's approach. Amongst other things, the gross floor area of the original dwelling should not be exceeded by more than 50%.

5. Notwithstanding its method of construction, the development is an addition to No 82 and I have seen nothing to indicate that it should not be judged against Policy H14A. The property has already been extended by a porch and ground and first floor extensions. When added to the shelter the undisputed cumulative increase in floor area is almost 100% which is well in excess of the figure given in criterion 2). Furthermore, the shelter is visible from School Lane and noticeably extends the row of houses outwards. Although small in scale it is intrusive in the landscape because of its position and consequently there is also some conflict, in my view, with criterion 4) of Policy H14A.
6. More significantly, combined with the earlier alterations, the shelter is disproportionate to the original dwelling and does not comprise a limited extension. It is contrary to Policy H14A and inappropriate development.
7. The side of the shelter next to 81 School Lane utilises a wall that has stood along the boundary for perhaps 20 years. Obscure glazing in white PVC-U frames has been placed above it to ensure privacy. However, despite the materials that have been used and the absence of walls on two sides, the shelter has enclosed an area that was previously free of built development. It therefore reduces openness but because of its modest size the overall physical effect is fairly limited.
8. Due to the materials used and the southerly rear aspect of the dwellings, I consider that daylight and sunlight have not been reduced to an unacceptable level within the rear dining room or patio area of No 81. The effect on the outlook from the dining room is also not serious. However, the presence of a structure of considerable depth above the boundary wall is overbearing on the patio, especially in view of the extensions that adjoin it. I therefore find that the development harms the living conditions of the occupiers of 81 School Lane contrary to the aims of Local Plan Policies EN1 and H6B and Appendix 4.
9. With regard to other considerations in support of the development I am sympathetic if the appellant was advised that planning permission was not required. Efforts have been made to finish the shelter to a high standard with thought given to her neighbours. Nevertheless, I can only give these matters limited weight in my decision.
10. To sum up, the proposal is inappropriate development in the Green Belt. According to PPG2 this is, by definition, harmful and substantial weight is to be attached to harm to the Green Belt. Its openness is reduced by a limited degree and the living conditions at the neighbouring property have been harmed. The other considerations do not clearly outweigh the totality of harm. No very special circumstances therefore exist to justify the development. So for the reasons given above I conclude that the appeal should fail.

David Smith

INSPECTOR