

4.3 – SE/14/02734/HOUSE Date expires 17 October 2014

PROPOSAL: Erection of 1st floor flank extension over existing ground floor room.

LOCATION: Manor Cottage, Valley Road, Fawkham, Longfield DA3 8NA

WARD(S): Fawkham & West Kingsdown

ITEM FOR DECISION

Councillor Mrs Bosley has referred the application to Development Control Committee so the impact of the proposal on the openness of the Green Belt and the amenities of the neighbouring properties can be fully considered.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:-

The proposal, because of its size, design and position, would be harmful to the character of the existing dwelling as it would unbalance the symmetry of the existing appearance of the pair of semi detached properties creating a prominent and incongruous feature, of harm to the street scene. This conflicts with policy EN1 of the Sevenoaks District Local Plan.

The proposal will be inappropriate development which will be harmful to the openness of the Green Belt. No case for very special circumstances has been put forward to outweigh this harm. Therefore the proposal conflicts with polices H14A of the Sevenoaks District Local Plan, LO8 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

No evidence has been submitted to demonstrate that the proposals would not adversely affect protected bat species. Thus the proposals would be contrary to advice set out within the National Planning Policy Framework and policy SP11 of the Sevenoaks District Core Strategy.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),

- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Working in line with the NPPF, the application was refused as the proposal failed to improve the economic, social or environmental conditions of the area.

Description of Proposal

- 1 The current proposal is for a first floor side extension over a single storey side extension which has been found to be permitted development and is currently under construction. However the resulting development will be a two storey side extension, and the overall impact of the proposal will be assessed in this light.

Description of Site

- 2 The site is one of a pair of semi-detached properties facing a rural lane outside of the village of Fawkham. The site is in the Metropolitan Green Belt. There is no footpath and there are mature hedges to the front of the site and on the opposite side of the road.

Constraints

- 3 Green Belt
- 4 Area of Archaeological Potential

Policies

Sevenoaks District Local Plan:

- 5 Policies - EN1, H6B, H14A, SP11

Core Strategy:

- 6 Policies - SP1, LO8, SP11

Allocations and Development Management Plan (ADMP):

- 7 Policies - GB1, GB5

Other:

- 8 National Planning Policy Framework (NPPF)

- 9 The Sevenoaks District Council Supplementary Planning Document for Householder Extensions (SPD)

Planning History

- 10 SE/79/01520/HIST - Detached garage at rear of dwelling. Granted.
- 11 SE/80/01829/HIST - Extension to rear of dwelling. Granted.
- 12 SE/13/03833/LDCPR - Erection of a single storey side extension. Loft conversion into a habitable space with dormer window to rear elevation. Alterations to fenestration. Granted.
- 13 SE/14/00166/HOUSE - Erection of two storey side extension together with loft conversion and internal alterations. Dismissed at appeal. (Decision appended).

The grounds for refusal were

The proposal, because of its size, design and position, would be harmful to the character of the existing dwelling as it would unbalance the symmetry of the existing appearance of the pair of semi detached properties creating a prominent and incongruous feature, of harm to the street scene. This conflicts with policy EN1 of the Sevenoaks District Local Plan.

The proposal will be inappropriate development which will be harmful to the openness of the Green Belt. No case for very special circumstances has been put forward to outweigh this harm. Therefore the proposal conflicts with policies H14A of the Sevenoaks District Local Plan, LO8 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

No evidence has been submitted to demonstrate that the proposals would not adversely affect protected bat species. Thus the proposals would be contrary to advice set out within the National Planning Policy Framework and policy SP11 of the Sevenoaks District Core Strategy.

All three grounds of refusal were upheld at appeal.

- 14 SE/14/00357/PAE - Prior notification of a single storey rear extension which extends 6m beyond the rear wall of the original dwelling house with a maximum height of 4m and eaves height of 2.95m. Prior approval not required.

Consultations

Parish / Town Council

- 15 Objection and reasons:

The proposal fails to comply with the 50% rule in policy H14A.

No compelling justification has been offered for any divergence from the above policy.

Were the application approved, it would encourage "development creep" within the village, with other applicants attempting to combine permitted development rights with further planning applications.

Representations

16 Neighbours consulted: 3

6 objections have been received to the proposal (two of which are duplicates.)

These raise the following concerns,

- The proposal is inappropriate development within the Green Belt
- The proposal does not comply with local design policy and will have an impact on the symmetry of Manor Cottage and Dene Cottage
- No pre-application consultation was carried out with neighbours by the applicants
- The grounds of the appeal have not been adequately addressed
- Impact on Ecology
- Inaccuracies with submitted drawings.

27 The applicant has submitted three letters in support of the proposal via the Council's website. They have also submitted specific letters in response to the neighbour comments, and the comments of the Parish Council. These comments are in support of the proposal, and in summary are:

- Proposal does comply with local design policy
- Only requesting first floor extension over what has been granted under permitted development
- Neighbours representations are factually incorrect
- Consultation was carried out by applicants prior to the application

Chief Planning Officer's Appraisal

28 The principal issues in this instance are the impact of the proposal on the openness of the Green Belt, the impact on the character of the existing house and the wider street scene and any impact on the amenities of the neighbouring properties including loss of light, outlook or privacy.

Green Belt

29 Paragraph 89 of the NPPF states that additions to existing dwellings may be appropriate development provided that they do not result in disproportionate additions over and above the size of the original dwelling.

30 Policy H14A provides a local interpretation on what is an appropriate extension to dwellings within the Green Belt. This includes the criteria that the "gross floor area" of the existing dwelling plus the "gross floor area" of the extension must not exceed the "gross floor area" of the "original" dwelling by more than 50%. However the design, style and bulk of the proposal will also be taken into account. This is supported by policy GB1 of the Allocations and Development Management

Plan (ADMP) which is now being accorded significant weight in the decision making process.

- 31 The original property has been extended. A single storey rear extension was permitted in 1980. A lawful development certificate was granted in 2013 confirming that a replacement rear extension, loft conversion and single storey side extension was permitted development. Prior approval was subsequently given for a larger single storey rear extension replacing the LDC proposal. All these works have been completed apart from the single storey side extension where the roof is not complete. The current application involves building above this extension. From looking at the history of the property and from visiting the site I have come to the following conclusions:

Original dwelling	115m ²
50% of original	57.5m ²
Floor space allowed	172.5m ²
Existing dwelling (incl ground floor side extension)	213.72m ²
% increase on existing	85%
Proposed dwelling	239.57m ²
% increase of proposed	108%

- 32 It is noted that the Inspector's decision amended to this report states that the original floor space of the dwelling is 125m². However this appears to be an error on the Inspector's part as the officer's report for planning reference SE/14/00166/HOUSE states that the original floor area is 115m².
- 33 As well as assessing the floor space the massing, bulk and height must also be considered when determining whether or not the proposal will result in disproportionate additions over the original dwelling. The stipulation on the original dwelling means that, as with the floor space assessment, the cumulative impact of the current proposal and any previous extensions must be taken into account. It is noted that the work already done is permitted development; however this does not preclude it from being assessed under Green Belt Policy.
- 34 While it is acknowledged the scheme has been amended by reducing the roof height to try and overcome the Planning Inspector's concerns, the work carried out to the property already results in a considerable amount of both floor space, bulk and massing being added to the original property, which was a modest semi-detached cottage. The further development proposed as part of the current scheme, although a small increase in itself will further increase the mass and floor space of the dwelling, and exacerbate the existing situation. Therefore the combination of the existing development on site, and the development proposed as part of this application results in disproportionate additions over and above the size of the existing property. The cumulative impacts of the extensions are not considered proportionate or subservient to the main property and therefore materially harm the openness of the Green Belt.

- 35 The proposal is therefore not considered to be appropriate when assessed against the National Planning Policy Framework, policy H14A of the Local Plan and policy GB1 of the Allocations and Development Management Plan.
- 36 Any cases for very special circumstances put forward to outweigh this harm will be considered below.

Size, bulk, design and impact on street scene:

- 37 Policy EN1 states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings. , Appendix 4 of policy H6B states that the extension itself should not be of such a size or proportion that it harms the integrity of the design of the original dwelling or adversely affect the street scene.
- 38 The proposal has been reduced in height by 1.5 metres since the previous refusal. The width of the extension remains the same (4.3m). As a result of the reduction in the ridge line no further accommodation is proposed in the roof.
- 39 The proposal will still be clearly visible from within the street scene. There is an existing two storey front projection which incorporates a study and bedroom. This feature provides a factor of separation between the main dwelling and the proposed extension that means it does not appear well integrated and would add further to its prominence within the street scene.
- 40 I also have concerns regarding the impact on the proposal on the symmetry of the pair of semi detached properties (Manor Cottage and Dene Cottage.) These properties currently share strong design characteristics and despite other work carried out the original symmetrical forms still remains, even taking into account the significant reduction in the height of the first floor element of the proposal.
- 41 It is acknowledged that the ground floor element of the proposal has been found to be permitted development, and that there has been discussion from concerned parties regarding whether or not the addition of a first floor element will be an improvement of the ground floor element. However, whilst acknowledging that the single storey extension can be constructed under permitted development and that the current application is for a first floor extension over an existing ground floor extension, the resulting development will still result in a two storey side extension to the property. Consequently the two elements of this cannot be assessed entirely independent of each other.
- 42 There are still concerns regarding the combined width and overall height of the extension. In addition the proposal is only set back 0.5 metres from the front most elevation (not including the bay window at ground floor level). Therefore the proposal would still unbalance the appearance of these properties and be detrimental to their character.
- 43 It is noted that the lack of foot path and mature hedging to the front does reduce the impact that this will have on the wider area, and that there is no regular street scene to be maintained. However this is not felt sufficient grounds to overcome the harm to the character of the pair of properties.
- 44 The proposal does not therefore comply with local and national policy and will result in a form of development that is detrimental to the character of the existing

pair of semi-detached dwellings. The proposal will not comply with policy EN1 of the Local Plan, SP1 of the Core Strategy or EN1 of the Allocations and Development Management

Impact on residential amenity:

- 45 Criteria 3) of policy EN1 states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements. This is supported by Appendix 4 to H6B.
- 46 There are two neighbours which are likely to be affected by the proposal. These are the attached property at Dene Cottage and the detached property to the north east at Newbury Lodge.
- 47 The two storey element of the proposal will not be visible from the rear garden of Dene Cottage as it is set back behind the rear building line of the two houses. Therefore it will not have an impact on their daylight, outlook. There is a first floor Juliet balcony proposed. This will be a distance of 9.8 metres from the shared boundary. Whilst it is acknowledged that there may be some loss of privacy resulting from this part of the proposal it would only offer oblique views into the neighbouring gardens and would not result in direct overlooking. This is in accordance with paragraph 5.3 of the Sevenoaks District Council Supplementary Planning Document for Residential Extensions.
- 48 The dwelling at Newbury Lodge is built directly adjacent to the shared boundary with Manor Cottage. However there will still be ten metres between the flanked elevation of Newbury Lodge and the flank elevation of the proposal. Given this the proposal will not have an unacceptable impact on daylight or outlook. No first floor windows are proposed in the facing elevation of the proposal and therefore there will be no loss of privacy.
- 49 The proposal will not have an unacceptable impact on the amenities of the neighbouring properties and will comply with policy H6B of the Local Plan and EN2 of the Allocations and Development Management Plan.

Ecology

- 50 Concerns have been raised regarding the impact on bats that may be in the area. It is acknowledged that the majority of the roof conversion has already been carried out, and that the agent has stated in the submitted Planning Statement that no evidence of bats has been found. No evidence from a professional ecologist has been submitted by either part in support of this issue.
- 51 The Inspector's decision following from the refusal of the previous scheme took into account the above and concluded that the possibility of bats on the site could not be discounted due to the rural character of the site and the orientation of the house. It was concluded that the proposal would not, therefore, be in accordance with policy SP11 of the Core Strategy, which seeks to promote biodiversity. No further evidence has been submitted to overcome these concerns.

Archaeology

- 52 The proposal does not involve any further ground works.

Very special circumstances:

- 53 The Planning Statement asks that the following points are considered when assessing the applications,
- That the first floor side extension would complete the overall design scheme, reflect the character of the existing dwelling and be better proportioned;
 - The overall floor area of the original property and extensions is 215 sqm;
 - The proposed first floor extension is 26sqm, which is a 12% increase in floor area;
 - The proposal would be the best use of land and not harm the amenities of the neighbouring properties;
 - The proposal has been considerably reduced since the previous refusal;
 - That the bulk of the proposal is not the only matter that should be considered, but the gains relative to the design and size of the project should also be considered.
- 54 Paragraph 88 of the National Planning Policy Framework (NPPF) gives substantial weight to the any harm to the Green Belt. The NPPF states that, *'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.*
- 55 The majority of the reasons set out above refer to the design of the proposal. Both the NPPF and local policy do encourage good design; however this is not sufficient grounds to outweigh the harm to the Green Belt. The same is true of a proposal having no impact on neighbouring amenities. Good design and acceptable impact on neighbouring amenities would be expected for any scheme and are therefore not considered 'very special.'
- 56 Paragraph 21 of the Inspector's report for the previous appeal (planning reference SE/14/00166/HOUSE refers states that:
- I have concluded that the appeal proposal constitutes inappropriate development within the Green Belt. In accordance with the guidance in the Framework, I attach substantial weight to the harm to the Green Belt by reason of the inappropriate nature of the development. I also attach substantial weight to the loss of openness of the Green Belt resulting from the development. The Framework confirms that applications for planning permission must be determined in accordance with the development plan unless material considerations otherwise, and I am mindful that the proposed development does not comply with LP Policy H14A.*
- The proposal may result in only a small increase to the existing dwelling, but the NPPF puts the onus on the 'original' dwelling. This issue has been fully discussed above and is not considered to form a case for very special circumstances.*

57 In this case the size of the extension has been reduced at roof level but the principle of comparison with the original building as set out by the Inspector and the NPPF, still applies. Additionally the prior approval extension has been constructed, which is a further addition to the original dwelling, compared to the position at the time of the appeal.

Conclusion

58 The proposal is inappropriate development in the Green Belt as it will result in a disproportionate addition over and above the size of the original dwelling. No case for very special circumstances has been put forward which clearly outweighs this harm.

Background Papers

Site and Block plans

Contact Officer(s):

Deborah Miles Extension: 7360

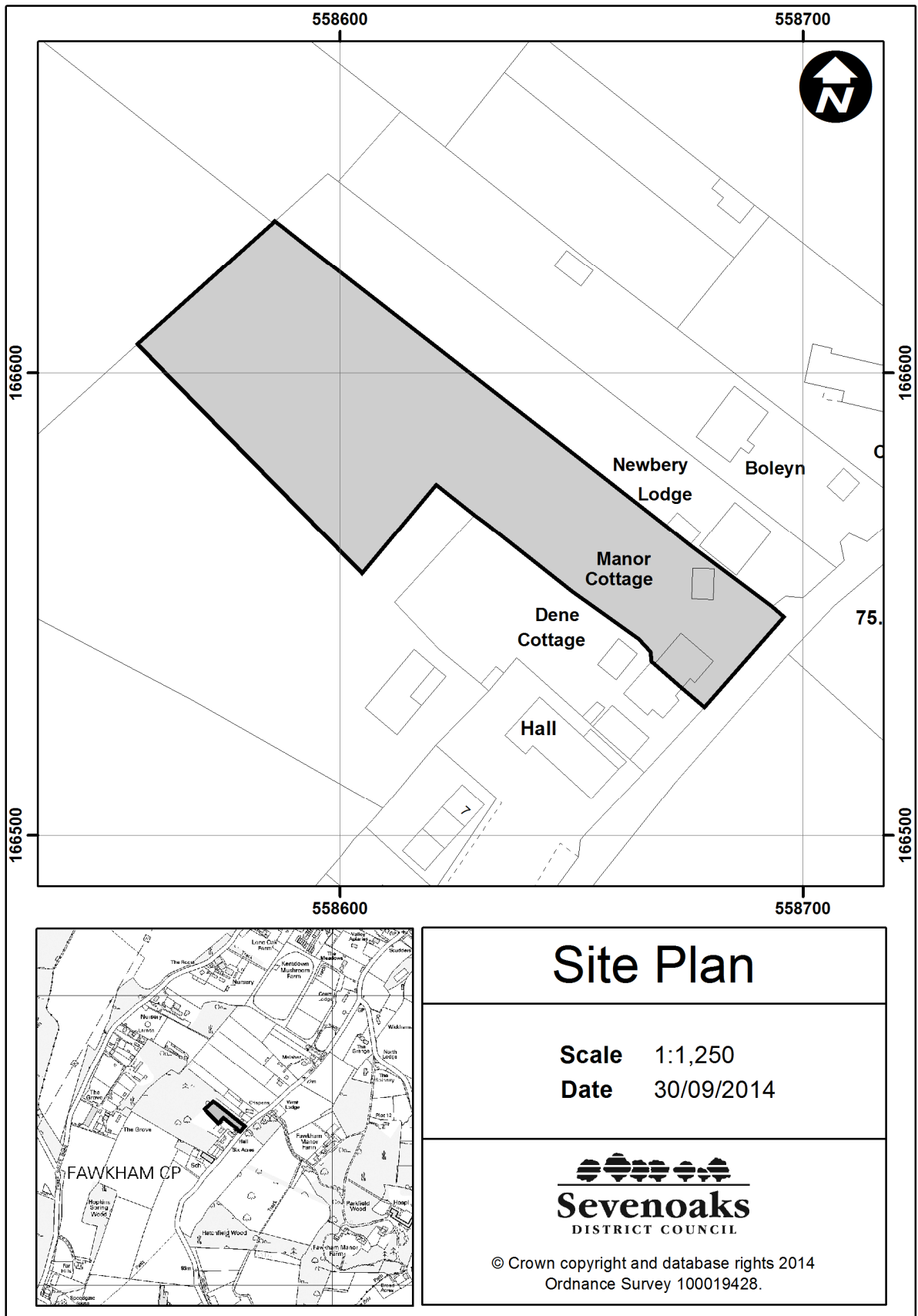
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NAP4YQBKGXD00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NAP4YQBKGXD00>



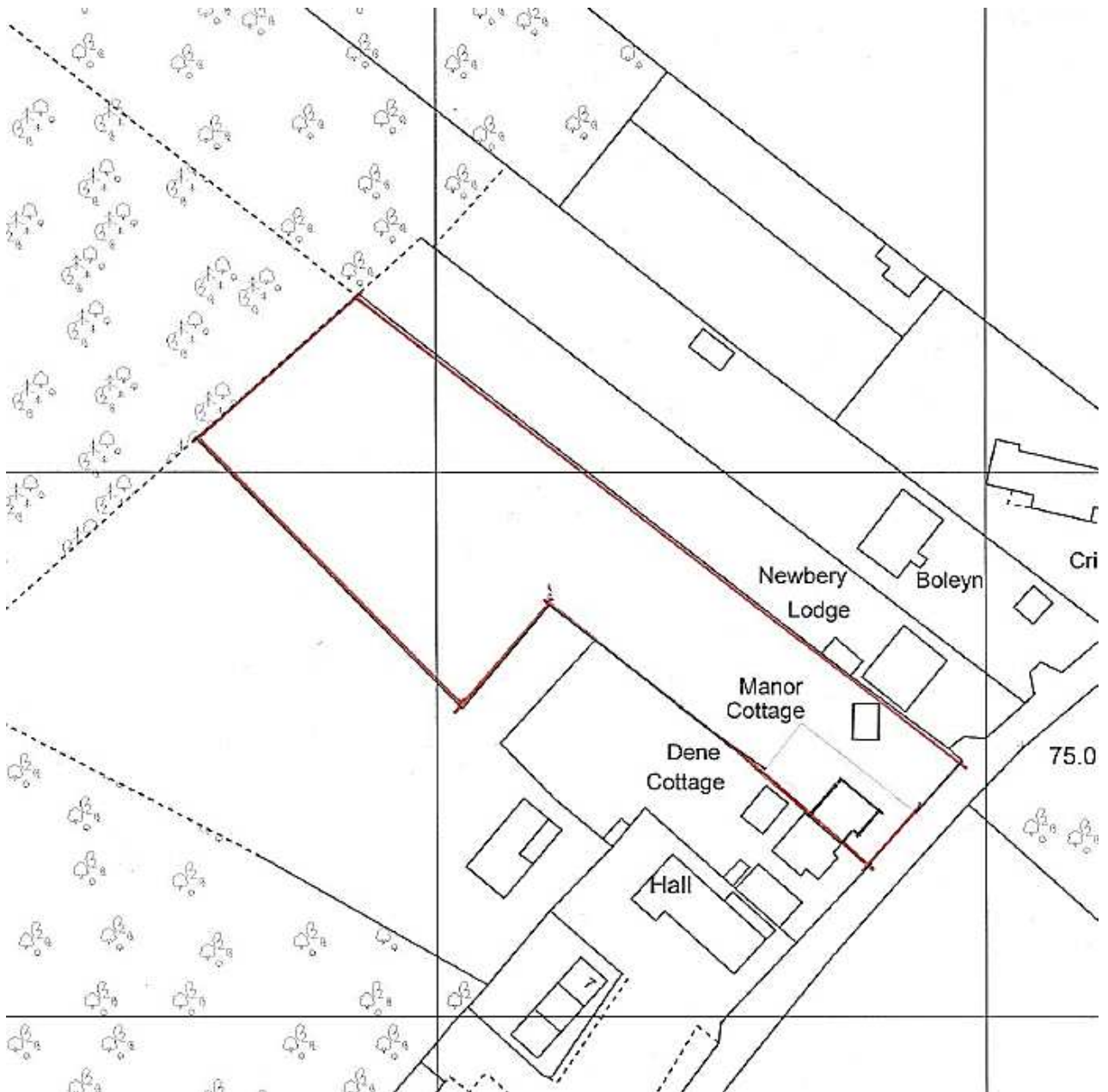
Site Plan

Scale 1:1,250
 Date 30/09/2014



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 Ordnance Survey 100019428.

Block Plan



Appeal Decision

Site visit made on 24 June 2014

by **Paul Freer BA (Hons) LLM MRTPI**

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

Decision date: 17 July 2014

Appeal Ref: APP/G2245/D/14/2217119

Manor Cottage, Valley Road, Fawkham, Longfield, Kent DA3 8NA

- 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 B Fothergill against the decision of Sevenoaks District Council.
 - The application Ref SE/14/00166/HOUSE, dated 21 January 2014, was refused by notice dated 21 March 2014.
 - The development proposed is the erection of a two storey flank extension together with loft conversion and internal alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Government's Planning Practice Guidance was issued on 6 March 2014. I have taken this guidance into account in reaching my decision but, in the light of the facts of the case, this has not altered my conclusions.

Main Issues

3. The main issues are:
 - whether the proposal is 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 host property and its neighbour
 - the effect of the proposed development on protected bat species, and
 - if the development is inappropriate development in the Green Belt, 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

Whether the proposal is inappropriate development in the Green Belt

4. Paragraph 89 of the National Planning Policy Framework (Framework) indicates that, with some exceptions, the construction of new buildings is inappropriate

in the Green Belt. One of these exceptions is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Policy H14A of the Sevenoaks District Local Plan (LP) indicates that proposals to extend an existing dwelling in the Green Belt must comply with a number of criteria set out in that policy, including that the gross floor area of the existing dwelling plus the proposed extension does not exceed the gross floor area of the original dwelling by more than 50%.

5. The Council indicates that the original dwelling on this site had a gross floor area of 125m². The proposed extension would provide an additional gross floor area of some 96.2 m² which, in combination with a previous extension to the property, would result in total gross floor area of some 237.6 m². This figure, which is not disputed by the appellant, would equate to a percentage increase of 106% over the original dwelling on the site. In purely numerical terms, this would represent a disproportionate addition over and above the size of the original building in the context of paragraph 89 of the Framework, and would be over double the percentage increase in gross floor area normally considered acceptable under LP Policy H14A.
6. In assessing whether the development constitutes a disproportionate increase over and above the original dwelling, I accept that the increase in gross floor area is not the only consideration to be taken into account and that a visual assessment should also be made. The appeal proposal is a two-storey side extension and, although the roof over the extension would be fully hipped, the height of the roof would align with the existing ridge. The proposed extension would feature a prominent bay window and dormer feature to the front, with a dormer window extending to ridge height at the rear. These would be obvious additions to the existing dwelling and would result in a significant increase in the bulk of the building. The proposed extension would therefore be a disproportionate addition over and above the original dwelling in visual terms, as well as in numerical terms.
7. I conclude that the appeal proposal would be inappropriate development within the Green Belt, both in relation to the Framework and LP Policy H14A. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The effect of the proposal on the openness of the Green Belt

8. Paragraph 79 of the Framework confirms that the essential characteristics of Green Belts are their openness and their permanence. Openness may be defined as the absence of development. It follows that openness is not dependent upon whether a site is visible from a public vantage point.
9. The proposed two storey extension, with the prominent bay window, front dormer feature and rear dormer, would noticeably increase the amount of development on the site compared with the original dwelling. As such, the development would erode the openness of the Green Belt. In reaching this conclusion, I have had regard to the presence of the single storey side extension to the appeal property that is nearing completion, and to the fact that views of the proposed extension would to some extent be restricted by the vegetation on the site frontage. However, this does not change my opinion.

Character and appearance of the host property and its neighbour

10. The appeal property forms one half of a pair of semi-detached cottages, built circa 1911. The appeal property has been extended at the rear and to the side by the single storey extension that is nearing completion. The other property in the pair, 'Dene Cottage', has been slightly modified through the re-siting of the entrance to the side of the property, involving the construction of a porch entrance to the side. However, notwithstanding these alterations, the original symmetrical form of this pair of cottages remains apparent and makes an important contribution to the character of both properties.
11. The proposed two storey side extension would increase the width of Manor Cottage, and would introduce a set of design features on the front elevation that are not present on Dene Cottage. The proposed development would therefore upset the symmetry of this pair of semi-detached cottages, and would detract from this important element to the character and appearance of these properties.
12. I accept that the highway in front of these properties is narrow and that there is no footpath. I also accept that the extent to which these properties are visible from the public highway is further limited by the vegetation on the site frontage. However, whilst these factors reduce the extent to which the two properties can be viewed together, this does not negate the contribution that the symmetry of form makes to the character of these properties or the importance of retaining that symmetry from where they can be viewed together.
13. I conclude that the proposed development would unacceptably harm the character and appearance of the host property and its neighbour. The proposed development would therefore be contrary to LP Policies EN1 and HP14A which, amongst other things, require that development should be in harmony with adjoining buildings and that the design of the extension is sympathetic and well articulated to the existing dwelling. The proposed development would also fail to accord with the importance attached to good design in the Framework.

The effect of the proposed development on protected bat species

14. The appeal property is located in a rural area, close to woodland. The building is of early 20th Century construction, and the roof is warmed by direct sunlight. The standing advice published by Natural England indicates that these factors are amongst those likely to increase the probability of a building being used by bats in the summer months. No bat surveys have been undertaken and there is no evidence to indicate that bats are present on the site or within the building. I also understand that the loft space may have been cleared as part of implementing works carried out under permitted development, and accept that this reduces the probability that bats would occupy this space.
15. Nonetheless, on the limited information that is available to me and having regard to the standing advice published by Natural England, I cannot discount the possibility that bats are present. Bats are a protected species and, adopting the precautionary principle, I cannot be satisfied that the appeal proposal would not adversely affect these protected species. Accordingly, I

conclude that the proposed development would be contrary to Policy SP11 of the Sevenoaks District Core Strategy (CS) and to the objective of conserving biodiversity set out in the Framework.

Other Considerations

16. The appellant suggests that an extension of nearly the same gross floor area could be constructed under permitted development, including the larger extensions to domestic dwellings introduced as an amendment to the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) in May 2013. However, the appellant has not demonstrated that an extension of equivalent gross floor area to the appeal proposal would be achievable on the site and, if so, what form that extension might take. I therefore cannot be certain that an extension constructed under permitted development rights would have the same impact on the openness on the Green Belt, even if an equivalent gross floor area could be achieved.
17. Moreover, the larger extensions permitted under the GPDO amendment in May 2013 require prior approval from the local planning authority. The appellant has provided no evidence to show that such prior approval has been granted, and this reduces the weight that I attach to the possibility of an equivalent gross floor area being achievable under permitted development. Accordingly, I attach only limited weight to the fallback position advanced by the appellant.
18. The properties on either side of the appeal property have been extended, with the appellant suggesting that the property to the north-east, 'Newbury Lodge', has been extended to more than 100% over the gross floor area of the original dwelling. However, although I have been provided with drawings showing an extension to that property, the appellant has provided no evidence to substantiate the suggested increase in gross floor area over the original dwelling. Moreover, I have not been provided with any details about the circumstances which led to planning permission being granted for that extension, and therefore cannot be certain that the extension to Newbury Lodge is directly comparable to the appeal proposal. For those reasons, I attach little weight to the extension to Newbury Lodge as justification for the proposed development.
19. The appellant explains that Mrs Fothergill operates an estate agent business in Gravesend, and that being closer to her place of work was one of the motives for moving to Manor Cottage. Although the Framework seeks to minimise journey lengths for employment purposes, in the particular circumstances of this case that encouragement does not translate into an overriding need for Mrs Fothergill to live at the appeal property for her employment purposes. Similarly, in the particular circumstances of this case, there is no overriding reason in planning policy terms for the property to be enlarged to accommodate the appellant's family. Other properties, including dwellings not in the Green Belt, could equally fulfil those requirements. Consequently, whilst I acknowledge the importance of these matters to the appellant, I attach little weight to them as material considerations in support of the appeal proposal.
20. The occupiers of both Dene Cottage and Newbury Lodge are concerned that the proposed dormer window in the rear roof slope would result in the overlooking of their properties and a subsequent loss of privacy. The position of both properties in relation to the appeal property is such that any overlooking would be at an angle and at some distance, and would therefore not result in an

unacceptable loss of privacy to the occupiers of either property. However, the lack of harm in that respect does not weigh in favour of the proposed 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 the development

21. I have concluded that the appeal proposal constitutes inappropriate development within the Green Belt. In accordance with the guidance in the Framework, I attach substantial weight to the harm to the Green Belt by reason of the inappropriate nature of the development. I also attach substantial weight to the loss of openness of the Green Belt resulting from the development. The Framework confirms that applications for planning permission must be determined in accordance with the development plan unless material considerations otherwise, and I am mindful that the proposed development does not comply with LP Policy H14A.
22. I attach considerable weight to the harm caused by the appeal proposal to the character and appearance of the host property and its neighbour, and the conflict with LP Policies EN1 and HP14A in that respect. Because of the limited information available to me at this time, I attach moderate weight to the possible adverse affects on the protected bat species and the conflict with CS Policy SP11 in that regard.
23. Against this, I attach limited weight to the fallback position advanced by the appellant and little weight to the extension to Newbury Lodge as justification for the proposed development. I also attach little weight to the reduction in the journey length to Mrs Fothergill's business premises or the enlargement of the appeal property to accommodate the appellants' family. These considerations therefore do not outweigh the substantial harm to the Green Belt by reason of the inappropriate nature of the development and the loss of openness of the Green Belt, the harm to the character and appearance of the host property and its neighbour, and the potential effect on protected bat species.
24. Consequently, the harm by reason of inappropriateness and any other harm, is not clearly outweighed by other considerations, such that the very special circumstances necessary to justify the development do not exist. Accordingly, I conclude that this appeal should be dismissed.

Paul Freer

INSPECTOR