

4.5 - SE/14/03462/CONVAR Date expired 29 December 2014

PROPOSAL: Removal of condition 5 (Permitted Development) and variation of condition 10 (removal of existing structures prior to commencement) of SE/14/01074/FUL to 'Prior to commencement of development existing outbuildings shown as 1 & 3 on 4441-PD-002 Rev A shall be demolished and all resulting materials removed from site. The existing dwelling shown on drawing no. 4441-PD-001 Rev A shall be completely demolished and all resulting materials removed from site within 3 months from the date of the completion of the approved dwelling.'

LOCATION: 52B Pilgrims Way East, Otford, Sevenoaks TN14 5QW

WARD(S): Otford & Shoreham

#### **ITEM FOR DECISION**

Councillor Stack has referred the application to Development Control Committee so that the impact of the proposal on the Green Belt can be considered

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of the time limit imposed on application SE/14/01074/HOUSE

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) Prior to commencement of development samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted should be submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) The development shall be carried out in accordance with the following plans 444 - PD-002 A, 4441-PD-003 A

For the avoidance of doubt and in accordance with proper planning as supported by policy EN1 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

4) Prior to commencement of development the applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work in accordance with a written specification and timetable which should be submitted to and approved by the Local Planning Authority.

To ensure that features of archaeological interest are properly examined and recorded in accordance with policy EN25 of the Sevenoaks District Local Plan and the National

Planning Policy Framework.

5) Prior to commencement of development full details of both hard and soft landscaping shall be submitted to and approved by the Local Planning Authority. These details shall cover as appropriate: Proposed finished levels or contours; Boundary Treatments; Hard surfacing materials; Planting plans; Written specification (including cultivation and other operations associated with plant and grass establishment); Schedules of plants, noting species, planting sizes and proposed numbers/densities, and Implementation timetables. The hard and soft landscaping shall be carried out in accordance with the approved details.

To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

6) Prior to commencement of development details of any existing land levels and proposed changes in land level, and cross sections to show how these relate to the proposed basement shall be submitted to and approved in writing by the Council. Any proposed scheme shall then be completed in accordance with the approved details.

To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan and to preserve the openness of the Green Belt in accordance with policy H13 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

7) Prior to the commencement of development (including site clearance works), written evidence shall be submitted to and approved by the Local Planning Authority detailing the appointment of an appropriately qualified Code For Sustainable Homes Assessor. Prior to the first occupation of the dwelling(s) hereby approved, a written assessment, carried out by an appropriately qualified Code for Sustainable Homes Assessor upon the completion of the development and detailing a "Code For Sustainable Homes" rating of a minimum of 3 shall be submitted to and approved by the Local Planning Authority in writing.

To ensure the development contributes to the principles of sustainable development as outlined in policy

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 no works shall be carried out (lightwells, steps etc.) that will make the basement visible and means it is no longer completely submerged.

To enable the Local Planning Authority to retain control over future development and to preserve the openness of the Green Belt in accordance with policies H14A of the Sevenoaks District Local Plan and the National Planning Policy Framework.

9) Prior to commencement of development all existing outbuildings shown as 1 and 3 on 4441-PD-002 REV A shall be demolished and all resulting materials removed from the site. The existing dwelling shown on drawing no. 4441-PD-001 Rev A shall be completely demolished and all resulting material removed from the site within 3 months from the date of the completion of the approved dwelling.

To protect the openness of the Green Belt and the character of the landscape as supported by Policies H13 of the Sevenoaks District Local Plan

**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](http://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) Was updated on the progress of the planning application.

#### Description of Proposal

- 1 Removal of condition 5 (which removed Permitted Development rights for the property) and variation of condition 10 (removal of existing structures prior to commencement) of SE/14/01074/FUL to 'Prior to commencement of development existing outbuildings shown as 1 & 3 on 4441-PD-002 Rev A shall be demolished and all resulting materials removed from site. The existing dwelling shown on drawing no. 4441-PD-001 Rev A shall be completely demolished and all resulting materials removed from site within 3 months from the date of the completion of the approved dwelling.

#### Description of Site

- 2 The site is an existing chalet bungalow with dormer windows in the rear facing roof slope. The property is set on sloping ground and there is a raised terrace to the rear of the property.
- 3 The plot has a substantial rear garden and is one of three dwellings that has been built behind land that faces on to Pilgrims Way East. Therefore the site does not face the road but is set back behind the street scene. Although the roads

adjacent to the site, Pilgrims Way East to the front and Dynes Road to the east, are predominantly urban in character and are within the defined settlement, the application site is more rural in appearance and sits adjacent to but outside the settlement boundary.

### Constraints

- 4 Area of Archaeological Potential
- 5 Green Belt

### Policies

#### *Sevenoaks District Local Plan:*

- 6 Policies - EN1, H6B, H13

#### *Core Strategy:*

- 7 Policies - SP1, LO8

#### *Allocations and Development Management Plan (ADMP):*

- 8 Policies - GB1, GB5, GB2, EN1, EN2

#### *Other:*

- 9 National Planning Policy Framework (NPPF)
- 10 The Sevenoaks District Council Supplementary Planning Document for Householder Extensions (SPD).

### Relevant Planning History

- 11 SE/14/01074/FUL - Demolition of existing dwelling and outbuildings; erection of replacement dwelling with integral garaging facilities and timber decking to rear elevation Granted. (The current application seeks to amend the conditions of this application.)

SE/13/03595/FUL - Demolition of existing dwelling and three outbuildings; erection of replacement dwelling with integral garaging facilities, with raised timber decking and external steps. Appeal Dismissed.

SE/13/01346/LDCPR - Erection of front entrance canopy, single storey side extension, single storey rear extension, single storey garden store outbuilding and a single storey pool outbuilding with roof lights. Granted.

SE/13/00466/LDCPR - The erection of front entrance canopy, single storey side extension, single storey rear extension, single storey pool outbuilding, single storey garden store outbuilding and installation of rooflights. Split Decision.

SE/04/01440/FUL - Revised application to SE/03/02749 - to move utility room extension to side, forward by 1.7m. Granted.

SE/03/02749/FUL - Proposed attached garage extension and side extension. Granted.

SE/02/02640/FUL - Two storey extension to side consisting of double garage, study with bedrooms over. Also single storey side extension consisting of utility room. Refused.

SE/98/01319/HIST - Conservatory extension. Granted.

SE/96/01410/HIST - Revision to approval SE/96/0087 to retain & alter existing bay on extension. Granted.

SE/96/00087/HIST - Side extension with new pitched roof overall, with dormers and roof conversion, and demolition of existing garage and extension. Granted.

### Consultations

#### *Kemsing Parish Council*

12 Support:

Recommend APPROVAL to the variation of condition 10 (removal of existing structures prior to commencement).

Objection:

Recommend REFUSAL to the removal of condition 5 (permitted development).

#### *Otford Parish Council*

13 Support

Understand reasons for requesting variations

#### *Kent County Highways*

14 The highway network, raise no objection on behalf of the local highway authority.

INFORMATIVE: It is the responsibility of the applicant to ensure , before the development thereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

#### *SDC Tree Officer -*

15 No comment (as part of previous application 14/01074/FUL)

#### *KCC Archaeology -*

16 The proposed development site lies within c.160m of the Scheduled Monument of Otford Roman villa. This high status Roman site would have been similar to a farm complex with outbuildings and associated activity sites nearby. A Roman bathhouse is recorded c.600m to the south east. There is potential for Roman

remains to survive on the development site. Prehistoric and Anglo-Saxon remains are also known in the wider area, with a focus being along the Pilgrims Way.

- 17 In view of the archaeological potential it would be appropriate for formal archaeological works to take place and I recommend the following condition is placed on any forthcoming consent:

*AR1 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.*

Reason: To ensure that features of archaeological interest are properly examined and recorded.

### Representations

- 18 Site notice posted: 13.11.14
- 19 Press notice published: 13.11.14
- 20 Neighbours consulted: 17.
- 21 No neighbour representations have been received.

### **Chief Planning Officer's Appraisal**

- 22 The current application seeks to remove condition 5 and alter condition 10. Therefore the current scheme needs to be assessed as a new application.

### Policy Context

- 23 The National Planning Policy Framework is the principal guidance in this instance and states that the replacement of a building in the Green Belt can be appropriate where the building, '...is in the same use and not materially larger than the one it replaces.'
- 24 There is no specific guidance in the NPPF which states exactly how to interpret 'materially larger.' It is generally considered to be an assessment of the increase in floor space, height, bulk and design of the proposed dwelling compared to the one that *currently exists* on site.
- 25 The NPPF also gives no guidance on whether or not outbuildings are to be considered in this assessment.
- 26 A local interpretation of the NPPF can be found in the adopted policy H13 of the Sevenoaks District Local Plan (LP) and the emerging policies GB2 (basements), GB4 (replacement dwellings) and GB5 (very special circumstances) of the emerging Allocations and Development Management Plan (ADMP). These policies can currently be accorded moderate weight in decision making.
- 27 Policy H13 and policy GB4 both state that the proposed dwelling should not result in an increase in floor space of more than 50% over the original dwelling. This is

not in direct compliance with the NPPF which puts the focus on the size of the existing dwelling. Therefore, although this policy is a relevant consideration, other factors including the bulk, height, size and design of the proposal must also be considered.

- 28 Policy GB2 states that basements may be acceptable in the Green Belt if entirely underground with no windows, doors etc. However it also states that the basement should not be larger than the original dwelling and the ground level should not be artificially raised to accommodate the basement. Again, this policy can be accorded moderate weight and refers to the original dwelling, rather than the existing dwelling as is the case with the NPPF.
- 29 These policies and the weight accorded to them has not changed since the previous application was approved.
- 30 The Council has recently had an appeal decision (Appendix 1) for a replacement dwelling on this site. Planning reference number SE/13/03595/FUL refers. This application was refused and the subsequent appeal was dismissed. A further application for a revised scheme (planning reference number SE/14/01074/FUL refers) was approved. This later scheme had been reduced in both floorspace, scale and bulk, in order to make the proposal appropriate development within the Green Belt. The principle of the development and a scheme identical to the one being considered here already benefits from planning permission. The only difference is the proposal for the variation of conditions.
- 31 The previous scheme was felt to be appropriate development within the Green Belt. Whilst the floor space would have increased, it was considered that due to the fact the height of the building would not increase, the removal of the existing outbuildings and of permitted development rights would prevent any further enlargement. Although there was a slight increase in the bulk of the new dwelling at first floor level this would have less of an impact on the Green Belt than the existing spread of buildings across the site. The proposed development would therefore not have been materially larger than the one it replaced. It would therefore have been appropriate development within the Green Belt and comply with the National Planning Policy Framework.
- 32 In considering the removal of condition 5, allowing the property to benefit from permitted development rights, I have considered the Inspector's appeal decision on the original, larger scheme. In this she commented that,
- Were I to allow the appeal, I see no overriding reasons in the representations before me to remove permitted development rights. It would not be reasonable or necessary to do so. Therefore, it has to be accepted that on a plot of this size, there is a possibility that permitted development of a similar scale to that granted under application Ref: SE/13/01346, and any other permitted development, may possibly occur in the future elsewhere on the site if I were to allow the appeal. Therefore, I have attributed limited weight to this matter in my determination of this appeal.*
- 33 Given the above comments, when considering a scheme that was substantially larger in terms of floorspace and bulk than the current scheme, the Inspector did not feel that the removal of permitted development rights would be required in order to make the scheme acceptable.

In addition to this, if the previous permissions were not implemented, the applicant could currently erect a number of outbuildings on the site, under permitted development, so the removal of this condition would not change this current situation.

34 Therefore there are is no justification in Green Belt terms to uphold the removal of permitted development rights on this application.

35 Regarding the variation of condition 10 this has two parts. The first to demolish outbuildings 1 and 3, and retain outbuilding number 2. The second is to demolish the existing dwelling within 3 months of the date of completion.

36 The condition regarding the demolition of the three outbuildings on site was put in place to protect the openness of the Green Belt and character of the landscape.

37 The Inspector's report stated,

*These are small scale structures. The overall impact of the existing outbuildings to be removed on the openness of the Green Belt is minimal. Therefore, the proposed removal of these outbuildings does not alter my conclusion with regard to the harm to the openness of the Green Belt.*

38 The Inspector therefore attributes little weight to the removal of the outbuildings when assessing the acceptability of the scheme. Whilst the condition was put on the previous scheme in order to protect the openness of the Green Belt the outbuilding to be retained is a structure with a low roof, set back against the boundary of the application site.

39 As with the removal of the permitted development rights the inspectors comments are in relation to a scheme that is larger in terms of footprint and bulk than the one subsequently approved.

40 With reference to the second variation to condition 10 to keep the existing house *in situ* to within 3 months of the completion of the proposed dwelling, any impact on the openness of the Green Belt will be temporary. In addition it follows that as permitted development rights would not be removed there is limited harm to the retention of the dwelling during the construction process.

41 Given the above comments, when considering a scheme that was substantially larger in terms of floorspace and bulk than the current scheme, the Inspector did not feel that the outbuildings had a significant impact on the Green Belt or that the removal of permitted development rights would be required in order to make the scheme acceptable.

42 Therefore with reference to the current scheme there can be no strong planning reason to refuse the removal of condition 5 and the amendments to condition 10 as suggested by the agent.

#### Size, bulk, design and impact on street scene:

43 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.*

- 44 The proposal will have a larger bulk than the dwelling currently existing on site by virtue of its larger roof. However, when viewed from the side the proposal appears more condensed than the existing dwelling as the conservatory and front projections are incorporated into the bulk of the main dwelling. In addition the overall height of the dwelling will not be increased and the appearance of a chalet bungalow will be maintained.
- 45 The proposal is not part of a uniform street scene and will be lower in bulk and height than the neighbouring property at 52A Pilgrims Way East.
- 46 Given the above the proposal complies with policy EN1 of the Sevenoaks District Local Plan, SP1 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

Impact on residential amenity:

- 47 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.
- 48 52A Pilgrims Way East is to the north of the property set 12 metres from the shared boundary. Properties along Beechy Lees to the east have rear gardens that back on to the site. These rear gardens are approximately 50 metres. And the proposed dwelling will be approximately 12 metres from the shared boundary of these dwellings. The dwellings in Beechy Lees most likely to be affected are 20-26.
- 49 Concerns were raised as part of the previous scheme (planning reference SE/13/03595/FUL refers) regarding the increase in traffic that may result from the proposal. They have not been bought up again in the representations for the current scheme, but will still be addressed as part of the current applications assessment. It is acknowledged that the number of bedrooms at 52B Pilgrims Way East are being increased however the use of the property will not be changed. Therefore any increase in traffic that may occur will be minimal and not justify a ground for refusal.
- 50 Two first floor windows are proposed on the elevation facing the rear gardens of 20-22 Beechy Lees. Both these windows would serve bedrooms. It is acknowledged that these windows will be visible from the rear gardens of these properties, and the first floors of the dwellings in these plots.
- 51 Paragraph 5.2 of the Sevenoaks District Council Supplementary Planning Document for Householder Extensions states that,
- '...the introduction of windows in extensions which would overlook windows of habitable rooms in any adjoining property at a close distance and would result in an unreasonable loss of privacy will not be permitted. For similar reasons, a window overlooking the private amenity area immediately adjacent to the rear of a property is also inappropriate. The District Council will normally calculate the private amenity area as a depth of 5 metres from the back of the property.'*

- 52 There will be an approximate distance of 62 metres between the elevation with these windows and the rear elevation of the properties in Beechy Lees. Therefore the proposal would not be considered a close distance from the private amenity areas immediately adjacent to the rear of the dwellings in Beechy Lees. Consequently they would not result in an unacceptable loss of privacy.
- 53 Paragraph 5.5 states the following about outlook,  
*'...The District Council is primarily concerned with the immediate outlook from neighbours' windows and whether a proposal will significantly alter the nature of the normal outlook...'*
- 54 The existing dwelling can be viewed from some vantage points in the rear gardens of Beechy Lees. It is acknowledged that the proposed dwelling will be brought closer to the boundary and moved back further in the site, however this will not significantly alter the existing situation in terms of outlook. Furthermore, given the distance of the rear gardens at Beechy Lees the proposal will not have an unreasonable impact on the immediate outlook of these properties. Concerns have been raised regarding the change in view. However, paragraph 5.5 also states that, *'...the planning process is not able to protect a view from a private property'*
- 55 There will be no loss of daylight to these properties.
- 56 Regarding 52A to the north of the site, the proposed dwelling will be moving within the site this will not significantly alter the relationship with 52A which is well screened and on a higher ground level. Given this there will be no loss of privacy, outlook or daylight to 52A.
- 57 Given the above the proposal complies with policy H6B of the Sevenoaks District Local Plan, SP1 of the Sevenoaks Core Strategy and the National Planning Policy Framework

#### Other issues

- 58 The site is in an Area of Archaeological Potential. KCC Archaeology have been consulted and have recommended a condition requiring a programme of archaeological works to be carried out on the site. This condition can be placed on any permission granted.
- 59 The proposal involves the demolition of an existing dwelling on site. However this is of modern construction and has limited voids in the roof. Therefore the proposal has been assessed against Natural England's Standing Advice and there is no specific criteria applying to the present condition of the site which indicates the need for the Local Planning Authority to request an Ecological Survey, or which indicates that any protected species/habitat are affected by the proposal.

#### **Conclusion**

- 60 The proposal is found to be appropriate development within the Green Belt as it will not result in a building that is materially larger than the one it replaces. The proposal is in accordance with policy H13 of the Sevenoaks District Local Plan,

GB4 of the Allocation and Development management Plan and the National Planning Policy Framework.

### **Background Papers**

Site and Block plans

Contact Officer(s): Deborah Miles Extension: 7360

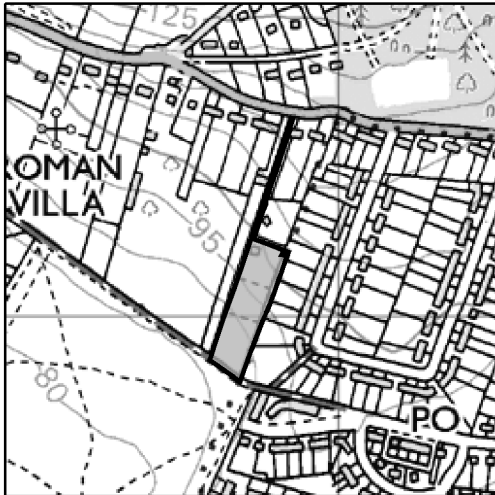
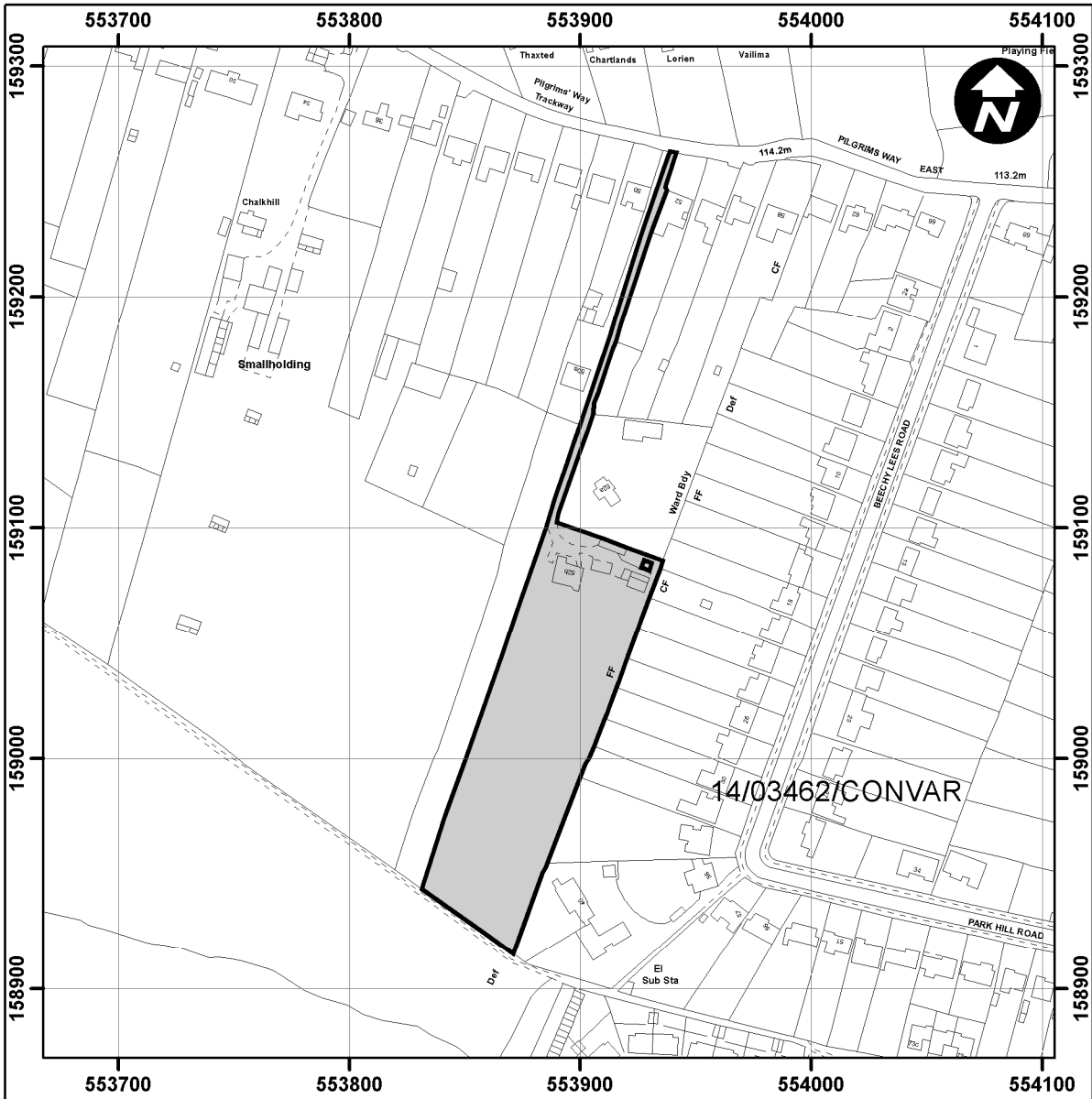
**Richard Morris**  
**Chief Planning Officer**

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NEGEFVBKHLW00>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NEGEFVBKHLW00>



# Site Plan

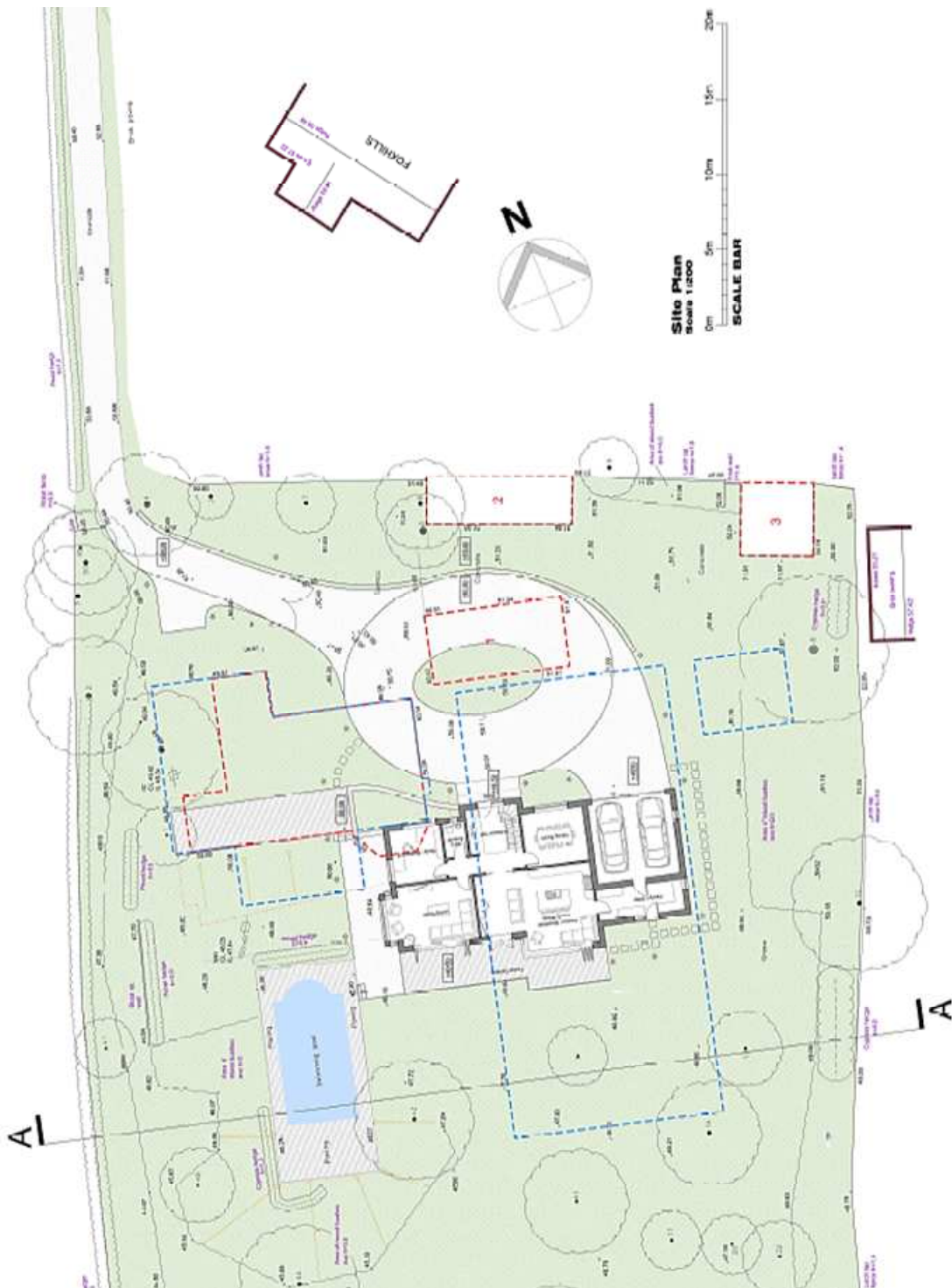
Scale 1:3,000

Date 14/01/2015



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Ordnance Survey 100019428.

# Block Plan



Please see the following landscape key:

**Landscape Key:**



Existing trees to be retained



Existing hedge to be retained



Grass/Lawn area



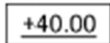
Permeable decking



Permeable hardstanding



Swimming pool



Proposed levels

.40.00

Existing levels



Low level bollard light



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## Appeal Decision

Site visit made on 29 September 2014

by **J L Cheesley BA (Hons) DipTP MRTPI**

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

Decision date: 9 October 2014

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**Appeal Ref: APP/G2245/A/14/2222792**

**52b Pilgrims Way East, Otford, Sevenoaks, Kent TN14 5QW**

- 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 Miss H Coleman against the decision of Sevenoaks District Council.
  - The application Ref SE/13/03595/FUL, dated 3 December 2013, was refused by notice dated 5 February 2014.
  - The development proposed is demolition of existing dwelling with associated outbuildings; erection of replacement dwelling with integral garaging facilities and associated works.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. In my determination of this appeal, I have had regard to the High Court Judgment: *Redhill Aerodrome Ltd v SSCLG, Tandridge District Council, Reigate and Banstead Borough Council [2014] EWHC 2476 (Admin)*.

### Main Issues

3. I consider the main issues to be:

whether the proposal amounts to inappropriate development in the Green Belt, and if so, 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; and

the effect of the proposal on the character of the surrounding area.

### Reasons

#### Green Belt

4. The National Planning Policy Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and
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their permanence. One of the purposes of including land within Green Belts is to safeguard the countryside from encroachment.

5. The Framework explains that the replacement of a building is not inappropriate in the Green Belt provided that the new building is in the same use and not materially larger than the one it replaces.
6. Saved Policy H13 in the Council's Saved Local Plan Policies Compendium (2008) states that replacement dwellings in the Green Belt must comply with a list of criteria including in criterion 4) that: *the gross floor area of the replacement dwelling does not exceed the gross floor area of the original dwelling by more than 50%*. For the purposes of this policy, the original dwelling includes domestic outbuildings.
7. Whilst saved Policy H13 seeks to protect the Green Belt in accordance with the Framework, it is clear that in considering replacement buildings, the Framework has regard to the existing building and saved Policy H13 has regard to the original building.
8. The parties do not agree on various measurements and whether the existing first floor accommodation and the proposed basement should be considered as part of the floorspace calculations. However, it is not in dispute that with the inclusion of the proposed basement floorspace in the overall floorspace calculation, the gross floor area of the proposed replacement dwelling would amount to more than 50% above that of the original dwelling.
9. Emerging Policy GB2 in the Council's Allocations and Development Management Plan Draft for Submission November 2013 reflects the Council's method for assessing basement proposals. It states the floorspace of basements should be included in floorspace calculations unless a list of criteria is met, including that the basement would be situated entirely underground with no part visible at any point externally and that there should be no external windows, entrances or exits to the basement. As this Plan is at an advanced stage of preparation, I have attributed significant weight to emerging Policy GB2 in my determination of this appeal.
10. The proposed basement would have full height external glazed doors accessed via stairs leading down under a terrace. This terrace and local topography would obscure view of the majority of the rear basement elevation, with partial views of the glazed doors only available at very close proximity. Nevertheless, in my opinion, the rear elevation to the basement would be seen as an integral part of the rear elevation of the proposed dwelling. In this respect, I consider it appropriate to include the proposed basement in my assessment of whether the proposal would constitute inappropriate development.
11. The finished ridge height of the proposed dwelling would be no higher than the existing dwelling on the site. Nevertheless, the rear elevation would appear as a three-storey dwelling. In addition, the length of the proposed dwelling, the proposed half hips on the roof and the pitched roof projections to the front and rear would give the appearance of a dwelling of materially greater bulk than the one it would replace. In this context, I consider that the proposed replacement dwelling would be materially larger than the one it would replace. Thus, it would be inappropriate development, which the Framework states is, by definition, harmful to the Green Belt.



12. Added to the harm of being inappropriate development is the impact that the proposal would have in diminishing the sense of openness of this part of the Green Belt and any other harm. Due to the bulk, design and scale of the proposed dwelling as outlined above, not only would the proposal constitute inappropriate development, there would be additional harm with respect to the openness of the Green Belt.
13. The proposal includes the demolition of three outbuildings. These are small-scale structures. The overall impact of the existing outbuildings to be removed on the openness of the Green Belt is minimal. Therefore, the proposed removal of these outbuildings does not alter my conclusion with regard to the harm to the openness of the Green Belt.

*Other Considerations*

14. The proposed dwelling would be built to Level 4 in the Code for Sustainable Homes. In addition, the appellant has stated that it would be situated to make more effective use of topographic features. Whilst there are merits in these sustainable design and siting matters, such matters do not necessitate a dwelling of such a size. Therefore, I have attributed limited weight to these matters in my determination of this appeal.
15. A certificate of lawfulness for extensions to the existing dwelling, a single-storey garden store and pool outbuilding has been granted under application Ref: SE/13/01346. I realise that the outbuilding would cover a larger ground floor area than the proposed dwelling. In addition, although I have not been provided with specific details, I note that the appellant considers that further buildings and further extensions to the existing dwelling could be constructed as permitted development.
16. Whilst the Town and Country Planning General Permitted Development Order 1995, as amended (GPDO) places restrictions on permitted development on designated land such as National Parks, dwellings situated in the Green Belt are not subject to an additional level of control when it comes to the application of permitted development rights under Classes A to E of Part 1 of Schedule 2.
17. Were I to allow the appeal, I see no overriding reasons in the representations before me to remove permitted development rights. It would not be reasonable or necessary to do so. Therefore, it has to be accepted that on a plot of this size, there is a possibility that permitted development of a similar scale to that granted under application Ref: SE/13/01346, and any other permitted development, may possibly occur in the future elsewhere on the site if I were to allow the appeal. Therefore, I have attributed limited weight to this matter in my determination of this appeal.
18. I have been referred to a number of examples of planning permissions for other development in the Green Belt, including Appeal Decisions. I find none to be directly comparable to the proposal before me, which I have considered on its individual merits. In particular, it does appear that a number of these examples include basements wholly below ground level.
19. I note that planning permission has been granted for a replacement dwelling in a similar location to the proposal before me (Ref: SE/14/01074/FUL). There are distinct differences between the two proposals. That dwelling would be

smaller in overall bulk and the basement would be completely below ground. Therefore, I have attributed limited weight to this matter in my determination of this appeal.

*Green Belt Conclusion*

20. It is necessary to determine whether there are other considerations which clearly outweigh the harm to the Green Belt hereby justifying the proposal on the basis of very special circumstances. For the reasons stated above, in my opinion the considerations advanced in support of the appeal proposal do not clearly outweigh the harm it would cause to the Green Belt. In conclusion, I am of the opinion that there are no material factors that would amount to the very special circumstances needed to clearly outweigh the presumption against inappropriate development in the Green Belt. Therefore, the proposal would be contrary to policy in the Framework, emerging Policy GB2 and saved Local Plan Policy H13 in this respect.
21. In reaching my conclusion on this matter, my assessment of very special circumstances is based on the Judgement: *Redhill Aerodrome Ltd v SSCLG, Tandridge District Council, Reigate and Banstead Borough Council [2014] EWHC 2476 (Admin)*. Therefore, the assessment of very special circumstances does not include any non-Green Belt harm.
22. I have not found additional harm below with regard to the character of the surrounding area. Had this issue been included in the assessment of very special circumstances, it would not have altered my conclusion on this matter.

Character

23. Saved Policy H13 criterion (5) includes non-Green Belt harm with regard to the need for a replacement dwelling to be well designed, sympathetic to the character of the area and sited and designed so as to minimise visual intrusion.
24. The character of an area is distinctly different to its openness. This area is characterised by dwellings fronting Pilgrims Way East and backland dwellings, including the appeal property. The dwellings are situated in a spacious rural setting. The appeal site is a substantial residential plot in a verdant mature landscape setting.
25. I realise that the proposed decking and topography would obscure wider views of the full extent of the proposed rear elevation and that in this location the proposed dwelling would be well screened from public view. Due to the location, scale and design of the proposed dwelling in this primarily residential location, I consider that the proposal would not harm the maintenance of the rural character of this area. In this respect, the proposal would be in accordance with policy H13 criterion (5).

Conclusion

26. In reaching my conclusion, I have had regard to all matters raised. Whilst I have found that the proposal would not have an adverse effect on the character of the area, I consider the harm I have identified with regard to the Green Belt, is sufficient to dismiss the appeal.

*J L Cheesley*      INSPECTOR