

Appeal Decision

Site visit made on 7 December 2016

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 15 December 2016

Appeal Ref: APP/G5180/D/16/3160762

Copper Beech, Viewlands Avenue, Westerham, Kent TN16 2JE

- 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 Michael Costello against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/03253/FULL6, dated 28 June 2016, was refused by notice dated 1 September 2016.
 - The development proposed is the erection of a replacement conservatory to the rear elevation with an enlarged footprint.
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Decision

1. The appeal is allowed and planning permission granted for the erection of a replacement conservatory to the rear elevation with an enlarged footprint at Copper Beech, Viewlands Avenue, Westerham, Kent TN16 2JE in accordance with the terms of the application, Ref DC/16/03253/FULL6 , dated 28 June 2016, 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 plan: Drawing no MJO1-01.
 3. The materials to be used in the construction of the external surfaces of the brick wall of the development hereby permitted shall match those used in the existing building.

Main Issues

2. It is considered that the main issues are:
 - (a) Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - (b) The effect of the proposed development on the openness of the Green Belt; and
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- (c) The effect of the proposed development on the character and appearance of the surrounding area, including the Kent Downs Area of Outstanding Natural Beauty.

Reasons

Whether the proposal would be inappropriate development for the purposes of the Framework and development plan policy

3. The proposed development includes the demolition of an existing conservatory to the rear of a modest sized bungalow and its replacement by a similar form of development but about 2 metres longer. Policy G4 of the London Borough of Bromley Unitary Development Plan (UDP) allows for extensions to existing dwellings located in the Green Belt providing that they would not increase the floor area over that of the original dwelling by more than 10%. However, given the age of the UDP, adopted in 2006, considerable weight is instead given to the more contemporary advice provided in the National Planning Policy Framework (the Framework) published in 2012.
4. The Framework states that inappropriate development is, by definition, harmful to the Green Belt. The construction of new buildings is inappropriate development in the Green Belt unless they fall within one of the exceptions referred to in paragraph 89 of the Framework. An extension of an existing building would not necessarily be inappropriate development provided that it does not result in disproportionate additions over and above the size of the original building. However, the Framework provides no clear guidance over what may, or may not, amount to disproportionate additions.
5. In this case the evidence indicates that the appeal property has already been extended by the addition of the existing conservatory and the garage. The Council claims that these additions, together with the proposed development, would increase the footprint of the original building by around 51%. The appellant does not challenge this figure and there are no reasons for me to disagree with the Council's assessment.
6. It is my assessment that an increase of the scale proposed, around 51% of the original floorspace, would not result in disproportionate additions to the original property, particularly in circumstances where the appeal scheme would substantially involve the replacement of the existing conservatory that would be of lightweight construction. Accordingly, it is concluded that the appeal scheme would not be inappropriate development in the Green Belt and, as such, it would not conflict with the Framework.

The effect of the proposed development on the openness of the Green Belt

7. The Framework states that an essential characteristic of Green Belts is their openness. The proposed extension would increase the length of the existing conservatory from about 4 metres to approximately 6 metres. Accordingly, there would be an effect on the openness of the Green Belt.
8. However, by reason of the modest increase in depth, the lightweight design and construction, the siting to the rear of the property and the size and enclosure of the rear garden, I am satisfied that any effect on the openness of the Green Belt would be limited. For these reasons it is concluded that the

proposed development would not cause significant harm to the openness of the Green Belt and, as such, it would not conflict with the Framework.

The effect of the proposed development on the character and appearance of the surrounding area including the Kent Downs Area of Outstanding Natural Beauty

9. The property is situated within the Kent Downs Area of Outstanding Natural Beauty (AONB). The Framework requires that great weight should be given to conserving the landscape and scenic beauty of AONBs which have the highest status of protection in relation to landscape and scenic beauty. The area adjacent to the property is characterised by dwellings of varying designs predominantly fronting roads which are which are surrounded by open and verdant countryside.
10. By reason of its scale and siting to the rear of the property, the appeal scheme would not have a detrimental effect on the character and appearance of the linear residential development fronting. Further, because of the modest increase in depth and lightweight construction the proposed development would not result in a significant change to the overall, form, bulk and character of the bungalow. Any change to the character and appearance of the bungalow would only be perceived from the neighbouring gardens and would be viewed against the context of the size and enclosure of the property's garden. For these reasons, the open and verdant countryside surrounding the property would not be significantly harmed. Accordingly, the landscape and scenic beauty and of the AONB would be conserved.
11. On this matter it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area, including the Kent Downs Area of Outstanding Natural Beauty, and, as such, it would not conflict with UDP Policy G4 and the Framework, including the core principle of securing high quality design.

Conditions

12. The Council has suggested a number of conditions in the event this appeal is allowed which have been assessed against the tests identified in the Framework and the National Planning Practice Guidance. For reasons of proper planning and for the avoidance of any doubt the proposed development should be constructed in accordance with the approved drawing. As indicated on the approved drawing, a condition is necessary to secure the use of matching materials for the dwarf brick wall. Accordingly, and taking into account all other matters, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR