The Planning Inspectorate

Appeal Decision

Site visit made on 16 January 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 3 February 2017

Appeal Ref: APP/G5180/W/16/3162078
45a The Highway, Orpington BR6 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 Mr John Wessels against the decision of the Council of the London Borough of Bromley.
- The application Ref DC/16/03837/FULL6, dated 14 August 2016, was refused by notice dated 20 October 2016.
- The development proposed is the erection of a garage at the rear of the garden.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Procedural Matter

3. The proposed development has been partially implemented and a garage having the floor area as shown on the submitted plans but with a pitched roof at a height of approximately 4.2m to the ridge has been partially constructed. The submitted plans show a proposed roof of a barn hip design having a ridge height of 3.8m.

4. The appellant suggests that the ridge height could be lowered to 3.6m but I have no plans or any other supporting information to indicate the design and appearance of such roof. Moreover, such amendment has not been formally considered by the Council nor been the subject of public consultation. Consequently, I have determined this appeal on the basis of the application as submitted with a proposed ridge height of 3.8m.

Reasons

5. The appeal property comprises a detached dwelling having a relatively long rear garden and located on the south eastern side of The Highway. Properties on this side of the road predominantly comprise of rendered detached and semi-detached dwellings having a common building line to the road and a common boundary line of the rear gardens with agricultural land to the south east. The agricultural land forms part of a wider area of countryside and is located within the Green Belt. As such the rear property boundary adjoins the

Green Belt although the curtilage of the appeal site itself lies outside of the Green Belt.

6. There are examples of several outbuildings in the rear gardens of properties in the vicinity of the site. In particular, Nos 47 and 51 have outbuildings positioned very close to the rear property boundary with the latter having a similar footprint and position to the appeal proposal. However, the roof height of these buildings is lower than the garage proposed in this appeal.

7. The application sought to retain the footprint of the garage as constructed, being approximately 6m in depth and 4.6m wide, positioned approximately 0.7m from the rear property boundary, but with a roof of barn hip design approximately 3.8m to the ridge. The garage would be rendered to match the host dwelling.

8. Although the garage has a relatively large footprint, given that it is positioned approximately 14.8m from the rear façade of the dwelling and taking into account the size of the rear garden, I consider that the site is capable of accommodating a building of this floor size, but with a modest roof height, without appearing as being excessive in scale or unacceptably over-dominant in relation to the host building and surrounding development.

9. However, the proposed roof would be considerably different to the design of those of other outbuildings in the area. Also its height would be higher than those of the other outbuildings in vicinity. As a consequence of these factors, the proposed garage would appear as being prominent, by projecting above the height of other outbuildings, and having a significantly bulky mass of roof form.

10. Consequently, the proposed garage would appear at odds with the surrounding outbuildings by being an over-dominant and prominent building. As a consequence of its proposed roof height and design it would appear as being out of scale with surrounding development and therefore cause harm to the character and appearance of the surrounding area.

11. The Council suggest that there should be a buffer between built development and open land in the Green Belt in order to maintain the character and the visual amenities of the adjoining Green Belt land. It appears that many properties in the vicinity of the appeal site have significant outbuildings close to the rear of the property boundary with the Green Belt. In addition, I have no evidence to suggest that permitted development rights that enable the construction of outbuildings in rear gardens have been removed.

12. I accept that the proposed height of the garage would be at odds with that of nearby outbuildings and as such it would be conspicuous from the Green Belt. However, given the preponderance of existing nearby outbuildings positioned close to the Green Belt boundary, in this case I consider that any desire to retain such buffer has already been eroded. Consequently, I consider that the principle of modest development sited close to the Green Belt boundary has already been well established in this locality.

13. Taking the above factors into account I consider that the proposed garage, as a consequence of the proposed height and mass of the roof, would cause demonstrable harm to the character and appearance of the surrounding area. As such it would be contrary to Policy BE1 of the Bromley Unitary Development Plan (UDP). This policy, amongst other things, requires that new development

should complement the scale, form and materials of adjacent buildings and areas and should not detract from the existing street scene or landscape.

14. The Council have also referred to a conflict with Policy G5 of the UDP. This policy relates to buildings in residential use within the Green Belt which does not appear to apply to the circumstances in this appeal. Consequently I have attached no weight to the provisions of this policy. The Council's statement suggests that it is Policy G6 that relates to development on land adjoining the Green Belt. Notwithstanding my comments above on the relationship of the proposed development to the Green Belt boundary, conflict with Policy G6 was not cited by the Council in the officer's report nor in the Decision Notice as a reason for the refusal of planning permission. Consequently, I am unable to attach any significant weight to the provisions of this policy in my determination of this appeal.

Conclusion

15. For the above reasons and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR