

Appeal Decision

Site visit made on 16 February 2017

by G Powys Jones MSc FRTPI

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

Decision date: 23rd February 2017

Appeal Ref: APP/G5180/D/16/3165973

Manor Cottage, Baston Manor Road, Bromley, Kent, BR2 7AH

- 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 M Mason against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/04443/FULL6, dated 22 September 2016, was refused by notice dated 18 November 2016.
 - The development proposed is described as a rear extension to property over two levels and upgrading of flat roof to part pitched, with removal of pool room and stables to free up floor area for extension.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appeal property is situated within the designated Green Belt (GB).
3. It is also located within the Bromley, Hayes and Keston Commons Conservation Area (CA) and I am therefore required to pay special attention to the desirability of preserving or enhancing its character or appearance.
4. The Council's description of the proposed development used in its decision notice is different to that used by the appellant in the original application form. The appellant considers that this, taking account of the appeal dwelling's orientation in relation to the road outside, has caused confusion. For the avoidance of doubt, I have used the appellant's original description, and his intentions for the property are made perfectly clear in the submitted plans.

Main issues

5. The main issues are:
 - Whether the proposed development is inappropriate or not inappropriate development in the GB in the terms of local development plan policy and national policy, as set out in the *National Planning Policy Framework* (the Framework),
 - The effect on openness, and the character and appearance of the locality,
 - If it is inappropriate development, whether the harm caused by reason of inappropriateness, and any other harm, is clearly outweighed by other
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considerations, so as to amount to the very special circumstances necessary to justify the development

Reasons

Inappropriate or not inappropriate

6. The Framework, at paragraph 89, says that a local planning authority should regard the construction of new buildings as inappropriate in the GB. However, exceptions to this general principle include 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.
7. No empirical guidance is provided in the Framework in respect of the term '*disproportionate addition*'. In my experience, decision-makers commonly use a variety of yardsticks to assess the acceptability of extensions in the GB, including footprint, floorspace and volume measurements. In some circumstances, subjective assessments are made.
8. The Council cites two saved policies from the London Borough of Bromley's Unitary Development Plan (2006). Neither policy G1 nor G4 fully reflect those of the Framework with regard to what may be deemed inappropriate or not inappropriate development in the GB.
9. However, UDP policy G1 is broadly consistent with the Framework in that it provides that limited extension or alteration of existing dwellings in the GB would not be regarded as inappropriate development.
10. UDP Policy G4 deals specifically with extensions to dwellings in the GB. One of its criteria used to gauge the acceptability of extensions requires that the net increase in the floor area over that of the original dwellinghouse should be no more than 10%, as ascertained by external measurement.
11. This limitation is far more prescriptive than is provided for in the Framework. Accordingly, in the context of the Framework's paragraph 215, I attribute more weight to the provisions of the Framework as a material consideration than the precise empirical constraint in UDP policy G4.
12. The term '*original building*' is defined in the Framework as '*a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.*' The term is similarly defined in the UDP.
13. The appeal property, formerly a lodge serving Baston Manor, was originally built well before 1948. Both parties agree that the property was extended at ground floor level in 1977. Neither of the parties, however, has provided empirical calculations as to the floorspace or volume of the original dwelling, the 1977 extension or indeed the extensions now proposed at ground and first floor levels.
14. It seems to me, however, that the extension carried out in 1977 has a footprint in excess of that of the original dwelling. The combined floorspace of the 1977 extension and the extensions proposed now, in my estimation, would come within range of doubling the floorspace of the original building. I therefore share the Council's view that the proposed extension, taking into account the size of the existing extension, should properly be regarded as a disproportionate addition to the original dwelling in the terms of national policy, and as more than a limited extension in the terms of UDP policy G1.

15. Accordingly, having regard to the provisions of local and national policy, I conclude that the proposals would amount to inappropriate development in the GB, which, by definition, is harmful, and this carries substantial weight against the development.

Openness, character and appearance

16. The appellant appears to acknowledge, given that development would take place where no development exists at present, that the openness of the GB would be affected. I certainly take that view, and ordinarily, would conclude that the loss of openness involved would prove harmful. However, as a balancing act or means of compensation, the appellant has offered to demolish two buildings. The stable building is too remote from the development and too well sheltered to act as suitable compensation. On the other hand a sizeable outbuilding stands very close to the dwelling. Its demolition would go an appreciable way towards providing adequate compensation for the loss of openness involved in the proposed development. Thus the loss of openness involved attracts little or no weight against the development.
17. As a means of protecting against future loss of openness, the appellant suggests that any planning permission granted could be made subject to a condition removing permitted development rights to further extend the dwelling. However, this point is only material if I were to find the development unobjectionable in other respects.
18. The appellant also claims that he could extend the dwelling now using the permitted development rights accruing to the property, notwithstanding the extension that has already taken place, and that this would affect openness. However, I have not been provided with a plan of what is thought to be considered possible or a Certificate of Lawfulness in respect of a proposed development. In these circumstances, it is not for me to determine the appellants 'rights' or whether any still exist. Accordingly, this aspect attracts very little weight in my considerations.
19. The original lodge building stands alongside the public highway next to an entrance gate to the Manor. Despite the wooded surroundings, it is plainly seen from the road outside. The original building is of an attractive design, being brick-built with decorative tile-hanging all around at first floor level. It has a tiled, steeply pitching twin-gabled roof.
20. The flat roofed extension erected in the 1970's detracts considerably from the appearance of the original dwelling. Its only saving grace, because of its low profile, is that it is not prominent in the public realm, even in winter. This is because a beech hedge growing alongside the highway has retained some of its foliage, albeit discoloured, to provide a fairly effective screen.
21. The appellant's proposals at first floor level would be very noticeable above the hedge. They would appear bulky and cumbersome, and would destroy the roof's sloping side profile, thus accentuating the harm to the original building caused by inappropriate extensions. This poor design takes little account of the attractiveness of the original lodge, which can still be appreciated to an extent from the road outside.
22. Accordingly, I consider that the proposals would further harm the integrity of the host property and the CA whose character and appearance would neither be preserved nor enhanced. This attracts substantial weight against the

proposals. In my considerations on this aspect I have taken account of the content of the Council's Supplementary Planning Guidance for the Bromley, Hayes and Keston Commons Conservation Area.

23. I note that several local residents support the scheme, and this attracts a little weight in favour.

Planning balance and overall conclusions

24. The harm I have identified as a consequence of the inappropriateness of the development in the GB carries substantial weight against the proposals whereas the loss of openness involved, in view of the balancing elements offered by the appellant, attracts little or no weight against the scheme.
25. The poor design of the scheme and its failure to preserve or enhance the character of the CA attracts substantial weight against.
26. That local residents support the proposal attracts a little weight in favour.
27. The harm caused by reason of inappropriateness, and any other harm, clearly outweighs any advantages of the proposals. Accordingly, the very special circumstances necessary to justify the development do not exist, and the appeal fails.

G Powys Jones

INSPECTOR