

Appeal Decision

Site visit made on 14 March 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 3 April 2017

Appeal Ref: APP/G5180/W/16/3166005

Land adjacent to Little Lillys, Warren Road, Orpington BR6 6EP

- 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 R. Ellis against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/03067/FULL1, dated 24 June 2016, was refused by notice dated 23 August 2016.
 - The development proposed is erection of chalet style detached dwelling of 4 bedroom design with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An amended plan ref 2735-16-PL003 Rev P1 was submitted with the appeal. The plan shows the number of accesses proposed reduced from two to one with an amended visibility splay. The Council has had the opportunity to comment on the amended plan in their appeal statement. I am therefore satisfied that no one's interests would be prejudiced by my determining the appeal with regards to the amended plan and I have done so on this basis.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - The effect of the proposal on highway safety.
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.
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Reasons

Whether or not the proposal would amount to inappropriate development

4. The appeal site is a vacant plot of land within the village of Chelsfield which is washed over by the Green Belt. Section 9 of the National Planning Policy Framework (the Framework) attaches great importance to the Green Belt, the essential characteristics of which are its openness and permanence. Paragraph 89 of the Framework establishes the construction of new buildings as inappropriate in the Green Belt subject to a list of exceptions which includes limited infilling in villages.
5. Although it predates the Framework, Policy G1 of the Bromley Unitary Development Plan (2006) (UDP) indicates that new development in the Green Belt will be considered inappropriate unless it meets the requirements of listed exceptions. Although Policy G1 allows for limited infilling, this is not restricted to villages as it is within the Framework. As such this policy is not wholly consistent with the Framework. For the purpose of this appeal, I have attached greater weight to paragraph 89 of the Framework, as it is current national policy.
6. The Council do not dispute that the site is within the village of Chelsfield. From my observations on the ground I have no reason to disagree with this matter given the site is located between built development to the east and west. I am therefore satisfied that for the purposes of the exceptions within the Framework, the site can be considered as being located within a village. In such cases, and by reference to paragraph 89 of the Framework, some limited infilling would be permitted within this location.
7. There is no definition of 'limited infilling' within the Framework or the UDP. However, in my experience, a commonly used definition of this is small-scale development that fills a small gap in an otherwise continuous built up frontage. In the absence of any more compelling alternative, I find it appropriate to rely on that definition in this instance.
8. This part of the village has a distinctly different feel with properties in generous plots in a more loose-knit pattern than the tighter grain development towards the centre of the village. There is no dispute that the appeal site lies between built development to the east and west, Little Lillys and Orchard Cottage respectively. However, whilst Orchard Cottage fronts onto Warren Road, Little Lillys sits at an angle within its plot with its front elevation facing towards the junction of Chelsfield Lane and Warren Road. There is no further development west of Chelsfield Lane on the northern side of Warren Road and there is no development directly opposite the appeal site. Moreover, there would be a substantial gap between the proposed dwelling and the property at Little Lillys, given at approximately 40 metres by the Council.
9. To my mind, despite the presence of other properties around the appeal site, by virtue of the distance between the existing properties, the site does not appear in the street scene as a small gap, nor do I consider that the two properties either side are read as a continuous built up frontage within the village. Given the particular circumstances obtaining on the ground, I cannot accept that the development as proposed would constitute limited infilling in the context of paragraph 89 of the Framework.

10. I therefore find that the proposal would fail to accord with the exceptions to Green Belt policy as set out in paragraph 89 of the Framework and conflicts with Policy G1 of the UDP. As such, the proposal would be inappropriate development which is, by definition, harmful to the Green Belt. I attach substantial weight to this harm.

Openness

11. The fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to prevent urban sprawl by keeping land permanently open. The construction of a dwelling on the site would result in built development where there is presently none inevitably leading to a loss of openness.
12. I acknowledge the appellant's view regarding the design of the proposal and its reduction in height to respond to the scale of adjacent properties. I also note that the appellant is willing to accept a landscaping condition that would aid in screening the development. However, the impact on the character and appearance of the area is a different test to the effect on the openness of the Green Belt. The dwelling would be visible from outside of the site, its visual impact increased by the removal of hedgerow from Warren Road. The proposal would therefore have an adverse physical and visual impact on the openness of the Green Belt which I quantify as significant.

Highway Safety

13. Warren Road is a narrow road with a 30mph speed limit. The road has no centre line and no continuous footway thus requiring pedestrians to walk within the carriageway. A substantial hedge forms the front boundary of the site and continues east and west along the roadside. At the time of my site visit, which I appreciate is just a snap shot in time, the road was reasonably busy.
14. Manual for Streets (2007) (MfS) provides technical advice on stopping sight distances and visibility requirements. The Council state that the requisite sightline for the proposed access would be 43m x 2.4m x 43m. The submitted plan shows a stopping sight distance of 60 metres in either direction. However, I share the Council's concern that this would be impeded in an easterly direction by the substantial hedge to the front of Little Lillys. Moreover, MfS advises that the 'x' distance of 2.4m back from the carriageway should be used in most built up situations. The amended plan shows this distance at only 2m. While MfS states that a minimum figure of 2m may be considered in some very lightly trafficked areas and slow speed situations, from the information before me and from my observations on site I do not find that to be the case here and I agree that a distance of 2.4m back from the carriageway would be required. I therefore find that the proposal fails to provide adequate sightlines with a potential risk of collision with oncoming vehicles or pedestrians as a result.
15. I note that there were no highway objections raised by the Inspector in the 2010 appeal¹. However, I have been provided with limited information regarding the previous appeal and I am not aware of the evidence that was before my colleague at the time. In any case, each appeal must be considered on its own merits.

¹ APP/G5180/A/10/2124618

16. I therefore find the proposed development would have a severe effect on highway safety, in conflict with paragraph 32 of the Framework and Policies T11 and T18 of the UDP which seek, amongst other things, to ensure the creation of new access roads are subject to road safety requirements and to ensure that road safety is not adversely affected.

Other considerations

17. The appeal site lies within the Chelsfield Conservation Area (CCA). I note that the Council has not raised any objection to the impact of the proposal on the character and appearance of the CCA or the surrounding area. The proposed dwelling would be situated within a generous plot, reflective of the general pattern of development in this part of the village. The design, mass and bulk of the proposed dwelling would respect that of surrounding properties and would not appear incongruous within the street scene. In this regard, despite the concerns raised above in relation to Green Belt harm, I find the proposal would not materially harm the character or appearance of the surrounding area or the CCA. Hence, the character and appearance of the CCA would be preserved. I regard this as a neutral factor which does not weigh significantly either for or against the proposal.
18. The appellant has drawn my attention to two recent approvals², one of which was allowed at appeal, which they feel demonstrate an acceptance of new homes within the village. Having regard to the submitted information, I do not consider the two schemes directly comparable to the appeal scheme. The approval granted at the former British Legion Club related to the conversion of a building into a dwelling. The more recent appeal decision related to the redevelopment of a former commercial site in which the Inspector considered the proposal would represent the redevelopment of previously developed land. The reuse of buildings and the partial or complete redevelopment of previously developed sites are listed as separate exceptions within paragraphs 89 and 90 of the Framework, neither of which is applicable to the scheme before me. Given that the appeal scheme has been considered against bullet point 5 of paragraph 89, I attach limited weight to these decisions.
19. The appellant asserts that there is little opportunity for further infill sites within the village, although little information has been submitted to support this stance, and that a house in this location would not have a detrimental impact on residential amenity. There is no dispute that the proposal would not have a detrimental impact on the living conditions of neighbouring residents, a neutral factor in the determination of the appeal. I acknowledge that the proposal would lead to an additional source of housing, although there is no mechanism proposed to ensure that this would be for local people. Whilst the contribution towards housing supply is a benefit which weighs in favour of the proposal, given the proposal is for only one dwelling this contribution is somewhat limited.

Conclusion

20. The Framework indicates that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. In addition, any harm to the Green Belt carries considerable weight. In this case, I have found harm from inappropriateness as well as a

² DC/05/01134/FULL1 and APP/G5180/W/15/3136998

significant loss of openness to the Green Belt and harm to highway safety. I give little weight to the other considerations referred to above. It follows that the substantial weight to be given to Green Belt harm is not clearly outweighed either individually or cumulatively by other considerations sufficient to demonstrate the very special circumstances that are necessary to justify inappropriate development in the Green Belt.

21. For the above reasons and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR