
Appeal Decision

Site visit made on 14 March 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 07 April 2017

Appeal Ref: APP/G5180/D/16/3165160

Jesmond, Single Street, Berrys Green, Westerham TN16 3AB

- 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 Connie Moran against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/04114/FULL6, dated 1 September 2016, was refused by notice dated 17 November 2016.
 - The development proposed is a 2 storey side extension, ground floor rear extension and detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the development on the character and appearance of the host dwelling and wider area.
 - If the development is inappropriate, whether the harm to the Green Belt by way of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriateness

3. Paragraph 89 of The Framework establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves the extension of a building and that extension does not result in disproportionate additions over and above the size of the original building or, it comprises limited infilling or partial redevelopment of previously-developed land which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
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4. Policy G4 of the London Borough of Bromley Unitary Development Plan 2006 (UDP) provides an insight into what should be regarded as a disproportionate addition. It states that extensions to dwellinghouses in the Green Belt will only be permitted if, amongst other things, the net increase in the floor area over that of the original dwellinghouse is no more than 10 per cent.
5. It is undisputed by the parties that the floorspace of the original dwelling has already been increased by 15.2 per cent and that the proposed additional floorspace, including detached garage, would result in a cumulative increase in the size of the original dwelling by 166.8 square metres or 62.7 per cent.
6. Even if the proposed detached garage were not to be regarded as an extension, and therefore excluded from the calculations, when comparing the original building to the one that would result if the proposal were to go ahead, the additional floorspace in the dwelling would significantly exceed the aforementioned threshold and as such the degree of change would be disproportionate. If, instead, the garage was considered as limited infilling, its size would mean that there would be a material reduction in the openness of this part of the Green Belt. Either way it would therefore comprise inappropriate development.
7. The proposal as a whole would therefore be inappropriate development which is, by definition, harmful to the Green Belt. In this regard the development would be in conflict with the Framework; Policy 7.16 of the London Plan 2015 (LP) and Policy G4 of the UDP which seek to resist inappropriate development in the Green Belt.

Openness

8. I acknowledge that the dwelling is situated within a very large and spacious plot, significantly set back from the public highway. However, irrespective of its effect on views, the extended dwelling and garage would occupy space and therefore inevitably have an adverse impact on openness. As a consequence, this part of the Green Belt would be less open than it is at present. I am mindful, in this regard that, as set out at paragraph 79 of the Framework, one of the essential characteristics of the Green Belt is its openness. The proposal would therefore be in conflict with the Framework insofar as it seeks to protect the openness of the Green Belt.

Character and appearance

9. The appeal site is within a rural location, characterised by sporadically sited dwellings, that vary in design and are set back from the road within very extensive and spacious plots.
10. The variation in architecture and sporadic siting of buildings gives the locality a dispersed and informal character. More specifically, the appeal dwelling when viewed from the highway to the front, has an irregularly shaped roof with a marked variation in the level of the eaves and ridgeline, giving the property an informal appearance which is part and parcel of the aforementioned character.
11. The proposed extension would alter significantly the appearance of the prominent side elevation of the dwelling facing the highway. The existing variation in the profile of the building wall and eaves lines would be replaced with more uniform lines and surfaces, reminiscent of a suburban property. In so doing this would result in harm to the informal character of the dwelling and

wider area. It would therefore conflict with Policy 7.4 of the LP; Policies BE1, G4 and H8 of the UDP and the Framework insofar as they seek to promote high quality design which complements the host dwelling and is compatible with the surrounding area.

12. The proposed garage, though relatively large in scale, would be a single storey construction and significantly recessed in relation to the prominent side elevation of the dwelling. The garage in itself would not, therefore, result in harm to the character and appearance of the dwelling and wider area. This however does not overcome the harm I have identified above.

Other Considerations

13. The provision of extra living space would suit the personal circumstances of the appellant. I am sympathetic to this desire. However, personal circumstances rarely outweigh more general planning considerations. Once built, the proposed extension would be likely to remain in place for many years to come. Therefore, I attach only limited weight to this consideration in favour of the appeal.
14. The appellant states that the proposed garage would be similar to a previously approved application, however has not provided any further details of the development in question. The Council has referred to a previous certificate of lawfulness that was granted for a garage on the site with a more open design and situated further away from the dwelling than that currently proposed. Again, I have been provided with little detail of the circumstances of that case, however from the limited information submitted it appears that that development may not have required planning permission. Even were it to transpire, through the submission of an application for a certificate of lawfulness, that planning permission is not required for the garage when considered in isolation, that would not overcome my findings above regarding inappropriate development in the Green Belt.

Green Belt balance

15. National planning policy attaches great importance to Green Belts. Therefore when considering any planning application substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by way of inappropriateness and to its openness. I have also found harm to the character and appearance of the dwelling and wider area. I have balanced this against the other considerations referred to above. However for the reasons given, having also had regard to all other points raised by the appellant, they do not clearly outweigh the harm identified.
16. The very special circumstances necessary to justify the development have not therefore been demonstrated. Consequently the proposed development conflicts with the Green Belt protection aims of the Framework, Policy 7.16 of the LP and Policy G4 of the UDP.

Conclusion

17. I therefore conclude that that the appeal should not succeed.

Roy Merrett INSPECTOR