

Appeal Decision

Site visit made on 19 April 2017

by G Powys Jones MSc FRTPI

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

Decision date: 3 May 2017

Appeal Ref: APP/G5180/D/17/3169778

86 Cudham Lane North, Cudham, Sevenoaks, Kent, TN14 7QS

- 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 Liam Williams against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/05355/FULL6, dated 18 November 2016, was refused by notice dated 20 January 2017.
 - The development proposed is described as partial extension of rear dormer to provide reasonable bedroom space where there is an existing small bedroom.
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Decision

1. The appeal is dismissed.

Main issues

2. The appeal property is situated within the designated Green Belt (GB). Accordingly, 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 considerations, so as to amount to the very special circumstances necessary to justify the development

Reasons

Inappropriate or not inappropriate

3. 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.
 4. No empirical guidance is provided in the Framework in respect of the term '*disproportionate addition*'. In my experience, decision-makers commonly use
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- 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.
5. The Council relies on saved policy G4 from the London Borough of Bromley's Unitary Development Plan (2006) (UDP). The policy 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.
 6. This limitation is 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, albeit that the latter is part of the development plan to which I must have regard.
 7. 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.
 8. The appeal property is set within a sizeable cluster of residential development on the western frontage of Cudham Lane North facing open fields. The cluster is rather isolated, being set in the heart of the Kent countryside. The property resembles a chalet bungalow, with flat roofed dormers front and back. It has a rear conservatory and a single storey element incorporating a garage and part of the kitchen.
 9. Neither of the parties has provided a precise date as to when the original dwelling was built, or as to whether the single storey element is an addition or formed part of the original dwelling. I note, however, that the conservatory is an addition.
 10. On 9 January 2012, (Ref APP/G5180/D/11/2165995), a proposal involving '*alterations to existing chalet bungalow to provide extended bedroom accommodation in the roof, extended kitchen and repositioned single garage*' was dismissed on appeal. The Inspector found the proposal to comprise inappropriate development in the GB due to the increase in floorspace proposed (29%) which comprised a disproportionate addition and materially affected the openness of the GB.
 11. A year or so later, a reduced proposal was submitted for a rear dormer extension and alterations to the existing front dormer. The development involved a net increase in floorspace. Although this was greater than the 10% allowed under the terms of saved UDP policy G4, the Council showed some flexibility and granted permission. The demolition of the conservatory was also proposed as part of the development, but it remains in place.
 12. According to the Council's calculations, which are not seriously disputed by the appellant, the original dwelling, even if the single-storey element is treated as part of the original, has already been extended by 22%. Since the appellant has made it clear that the conservatory is to remain, the additional floorspace involved in the current proposal means that, if permitted, the floorspace of the original dwelling would have been increase by 28%, being but a percentage point less than the floorspace of the development refused on appeal 5 years ago.

13. The extensions/additions already carried out to the original dwelling have clearly increased its bulk and volume. The current proposal whilst, in itself, possibly modest in terms of the increased floorspace created, would further increase bulk and volume to the extent that the cumulative effect of the past and proposed extensions/additions, in combination, lead me to find that the further roof extension proposed now would amount to a disproportionate addition.
14. 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

15. The existing rear dormer is flat roofed, but is proportionate in its context being set below the ridge and well above eaves level. It is also been built well away from the property's side gables.
16. The proposal involves enlarging about half of the rear dormer, so that its depth would extend to the eaves and its side to one of the dwelling's side gables. The increase in bulk and volume involved would inevitably affect the openness of the GB to a degree. However, the harm to the openness of the GB would not be significant, and this aspect therefore attracts some, albeit moderate weight against the scheme.
17. I share the views expressed by a local resident that the proposed extension is poorly designed, since it would materially affect the current symmetry of the rear roof elevation and would be perceived as a bulky, disproportionate addition of a utilitarian appearance.
18. Given its position at the rear of the dwelling, the extension would not be seen in the public realm, although it could be glimpsed from the rear of some houses in Hazlewood Road through a screen of vegetation on the appeal property's rear boundary. The character and appearance of the host property would be harmed, but given the extent of screening at the rear it would not be widely noticeable in the locality. Accordingly, the poor design of the scheme attracts some, albeit little weight against the proposal.

Other considerations

19. In his grounds of appeal the appellant says that:

...I would like to demonstrate the following which I believe to be very special circumstances - I have lived in this area my whole life, I was born at number 98 Cudham Lane which is just a few houses away from my house now, My Uncle and Aunt still live just a few doors further up Cudham Lane so I have a very special love for this area. My wife and I are starting a family and we would dearly love for this to be our family home, and this area is extremely short of affordable family homes.

20. Judging from the 2012 decision letter, it appears that not dissimilar personal arguments were presented during the previous appeal. Then, the Inspector commented as follows:

I note the strong family attachment to the area and the desire to make alterations to improve insulation and to improve the internal layout to create amore suitable family dwelling.....Personal circumstances would not usually outweigh normal planning

considerations and I see no exceptional circumstances in this instance. Therefore, I have given little weight to this matter in determining this appeal.

21. As the planning history shows, shortly following the dismissal of the appeal, the Council permitted the appellant to extend the property above the 10% limitation set out in local policy. Taking this into account, and that the appellant has apparently changed his mind as to the demolition of the conservatory, I find that I share the thrust of the views expressed by the previous Inspector, and the personal arguments presented now accordingly attract little weight.

Planning balance and overall conclusions

22. The harm I have identified as a consequence of the inappropriateness of the development in the GB carries substantial weight against the proposals.
23. The loss of openness to the GB involved attracts moderate weight against the scheme.
24. The poor design of the scheme attracts a little weight against for the reasons already provided.
25. The personal arguments presented attract some, albeit little weight in favour.
26. The harm caused by reason of inappropriateness, loss of openness and any other harm clearly outweighs any advantages of the proposal. Accordingly, the very special circumstances necessary to justify the development do not exist, and the appeal fails.

G Powys Jones

INSPECTOR