
Appeal Decision

Site visit made on 19 April 2017

by Mr Kim Bennett BSc DipTP MRTPI

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

Decision date: 18 May 2017

Appeal Ref: APP/G5180/D/17/3168499

Leacroft, 384 Main Road, Biggin Hill TN16 2HN

- 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 Michael Harvey against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/03726/FULL6, dated 2 August 2016, was refused by notice dated 24 November 2016.
 - The development proposed is the demolition of existing glazed conservatory and replacement with enlarged single storey conservatory in same position as existing.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing glazed conservatory and replacement with enlarged single storey conservatory in same position as existing at Leacroft, 384 Main Road, Biggin Hill TN16 2HN in accordance with the terms of the application, Ref DC/16/03726/FULL6, dated 2 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed plans annotated as: location plan; proposed front elevation; proposed rear elevation; proposed side elevation; proposed side elevation (facing to garage); proposed roof; proposed floor plan new works and proposed floor plan indicating demolition and groundwork.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as shown on the approved plans.

Procedural Matter

2. I have shortened the appellant's description of the proposed development as set out on the application form in my formal decision above, in the interests of brevity.

Main Issues

3. The main issues are: Whether the proposal would be inappropriate development in the Green Belt; the effect of the proposal on the openness of the Green Belt; if the proposal would be inappropriate development, whether the harm 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

Whether inappropriate development

4. The appeal property comprises a detached bungalow set within extensive grounds, part of which are used as a commercial kennels. Although the postal address is listed as Main Road it stands in an isolated position, some distance to the west of that road, and is surrounded by open fields and woodland areas. The property has been extended in the past in the form of several extensions, including the existing conservatory and a large detached double garage. The site forms part of the Green Belt.
5. The Council's approach towards extensions to residential properties in the Green Belt is primarily set out in Policy G4 of its Unitary Development Plan 2006 (UDP). Criteria (i) of that policy allows for extensions providing that the net increase is no more than 10% floor area of the original dwelling house. In addition, Policy G1 of the UDP says that permission will not be given for inappropriate development which in the case of extensions to dwellings is defined as being in excess of 'limited'.
6. The Council advises that the additions to date have already resulted in an 80% increase in floor area over the original dwelling and that with the current proposal, the cumulative increase would amount to 95%. There is no evidence before me that the appellant disputes those figures.
7. Since the UDP, the National Planning Policy Framework (the Framework) has been introduced. Paragraph 89 says that the construction of new buildings are inappropriate within the Green Belt subject to certain exceptions. One of these relates to 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. Policy 7.16 of the London Plan (LP) relates to such national guidance.
8. The Framework does not define in numerical terms what is meant by disproportionate, but the starting reference point is that of the original dwelling, as it is for the Council's policy approach. In my view therefore, however one interprets the above terms, the extent of alterations carried out to date, coupled with the currently proposed increase in floorspace would be disproportionate compared to the original dwelling and clearly well in excess of the Council's numerical based approach, notwithstanding the relative age of the UDP policies. Accordingly, I consider the proposal would amount to inappropriate development within the Green Belt and contrary to Policies G1 and G4 of the UDP, Policy 7.16 of the LP and the Framework. In that context, the Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

9. Although surrounded by woodland and open fields, the site itself is self-contained, with the boundaries being enclosed by trees and mature hedging. In addition to the extensions to the dwelling itself already permitted, there are also

a collection of large kennel buildings to the rear, together with some sheds and outbuildings immediately behind the bungalow itself. The existing conservatory is further contained within the inner core of the site, being set behind a tall fence adjacent to the bungalow and between the flank wall of the building and a large semi-permanent swimming pool enclosure. The new conservatory would largely replace the existing but would extend into the existing hard surfaced deck space to the side of the swimming pool enclosure by a further 2.5 metres only and would still be behind the fence. Although the Council argues that the proposal would harm the visual amenities and openness of the Green Belt, I do not agree given the circumstances set out above. Essentially, from the front of the site, the only visible difference would be a small section of wall and the glazed lantern feature extending above the fence.

10. In my view therefore, the proposal would result in only a very marginal difference in appearance to the current collection of extensions and outbuildings, which the Council must have considered as being appropriate in the past given the number of previous permissions. Accordingly, I find on this issue that there would be no harm arising to the openness or character of the Green Belt and therefore no conflict with Policy G4(ii) of the UDP in that respect, nor with the objectives contained within the Framework which defines the essential characteristics of Green Belts as their openness and permanence.

Very special circumstances

11. The Framework makes it clear that very special circumstances will not exist unless the potential harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In that respect, I attach significant weight to my findings above in that there would be no impact upon openness, and the character and appearance of the existing building and its current extensions in the surrounding countryside would hardly be altered. Consequently there would be no conflict with adopted Council policies or guidance within the Framework in those respects.

Overall balance and conclusion

12. Having regard to the above, I find that harm caused by reason of inappropriateness, is clearly outweighed by other considerations in these particular circumstances, so as to amount to the very special circumstances necessary to justify the development. Although there is conflict with Policy G4 in respect of the % increase over the original floor area, given the very marginal visual difference compared to the current situation and the fully enclosed nature of the floorspace within the heart of the overall site, the special circumstances of the case justify a more flexible approach being taken in this instance.
13. In reaching that conclusion, I stress that it is based on the particular site issues of this case, which may not be the same in other situations. In that respect, I note that the appellant has drawn my attention to other appeals where Inspectors appear to have interpreted the Council's policies in different ways. The full circumstances and issues raised by those cases are not before me and therefore I am not able to comment on how similar or not they might have been. I have therefore reached my conclusions based on the particular circumstances and site characteristics before me.

14.A condition requiring the development to be carried out in accordance with the approved plans is necessary in the interests of certainty. A condition for materials to be those as specified on the approved plans is necessary in the interests of good design.

15.Accordingly, the appeal is allowed and planning permission granted.

Kim Bennett

INSPECTOR