
Appeal Decision

Site visit made on 25 April 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 24th May 2017

Appeal Ref: APP/G5180/D/17/3172088

Dawn Corner, Viewlands Avenue, Westerham TN16 2JE

- 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 and Mrs Barritt against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/05688/FULL6, dated 12 December 2016, was refused by notice dated 9 February 2017.
 - The development proposed is alterations and extensions to a detached bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for alterations and extensions to a detached bungalow at Dawn Corner, Viewlands Avenue, Westerham TN16 2JE in accordance with the terms of the application, Ref DC/16/05688/FULL6, dated 12 December 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: VA/571/BP 01, VA/571/01 and VA/571/10 and VA/571/11.
 - 3) No development shall commence above ground level until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development within the Green Belt.
 - The effect of the proposal on the character and appearance of the host property and area.
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Reasons

Whether inappropriate development

3. Policy G4 of the Unitary Development Plan 2006 ('UDP') states that, within the Green Belt, permission will only be permitted for extensions or alterations to dwellinghouses if it meets all of 3 criteria but does not refer to inappropriateness. The criteria include that the net increase in floor area over the original dwelling house is no more than 10%, that visual amenities and open or rural character is not harmed and the development does not result in a significant detrimental change to the overall form, bulk or character of the original dwellinghouse.
4. The policy pre-dates the National Planning Policy Framework ('the Framework') and is more prescriptive because the Framework states, at paragraph 89 that the construction of new buildings in the Green Belt should be regarded as inappropriate, unless, amongst other things, it involves the extension or alteration of a building that does not result in disproportionate additions over and above the size of the original building.
5. The proposal applied for is a revision to a previously approved scheme¹ to provide habitable accommodation within the roof space with the addition of roof lights and a rear dormer window extension. Other than that it appears to be essentially the same scheme as previously approved. The Council contend that the previous proposal equated to a 106% increase and that this scheme would involve another 35sqm of floor space which would equate to a 145% increase. Although I have not been provided with the full details of the original dwellinghouse and the appellant contends the increase would be much less, in any reasonable assessment there would be conflict with part (i) of Policy G4 of the UDP.
6. The appellant suggests that once implemented the proposal could be implemented under permitted development rights². Although I have nothing to suggest from the Council that the proposal would not be permitted development the site has a lengthy planning history and has benefitted from a large number of previous extensions and alterations. On the evidence before me I cannot be conclusive that the dormer window would satisfy all of the necessary conditions in order to be permitted development. Furthermore, I have no substantive evidence that such a proposal would be implemented, mindful that this would be after completion of the approved extensions. In this particular case I am unable to reach a definitive conclusion as to whether a genuine fall back position exists.
7. Nonetheless, the Council state that very special circumstances existed in the previous scheme because the floor area of the proposed extensions would not materially increase floorspace and because the conservatory would be removed. Having been provided with the details of the previous scheme the same considerations appear to exist in the appeal proposal before me, albeit that a dormer window has been added and some additional floor space created through utilisation of the roof space. This is a material consideration to which I attach substantial weight.

¹ 16/04254/FULL6.

² Classes B and C of The Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended).

8. Whilst each case must be determined on its own merits it is also important that similar cases are determined in a like for like manner and there is little before me from the Council that demonstrates why the addition of what amounts to a very modest increase in floor space, contained solely within the approved roof, along with a modest dormer window and roof lights would cause unacceptable harm, over and above the previously approved scheme.
9. The proposal would be taller than the existing roof form, but not significantly so and it would sit comfortably within the existing footprint of the dwelling and between the existing pitched roof forms. The hipped roof form would reduce its bulk and mass and the dormer window would be of a modest scale set below the ridge and above the eaves. To my mind, it would not significantly exceed the floor area when compared with the approved scheme or be of an unacceptable bulk or mass.
10. For these reasons, the proposal would not be a disproportionate extension or alteration and therefore it would not be inappropriate development within the Green Belt insofar as the Framework is concerned. This is a strong material consideration.

Character and appearance

11. The increase in height of the dwelling would still be considerably lower than the adjoining property and the dormer window would appear as a sensitively designed addition, contained solely within the rear roof plane. It would also be comparable in scale and appearance to dormer windows that exist on other properties within Viewlands Avenue. Furthermore, the roof lights would cause no harm to character and appearance given their modest scale. For these reasons, the proposal would not cause harm to the character and appearance of the area or result in significant detrimental change in the overall form, bulk or character of the original dwellinghouse. It would therefore comply with parts (ii) and (iii) of Policy G4 of the UDP and the design objectives of the Framework.

Other Matters

12. In terms of effect on openness I have concluded that the proposal would not be a disproportionate addition to the original building and would not be inappropriate development. Accordingly, in accordance with *Lee Valley Regional Park Authority, R (on application of) v Epping Forest District Council & Anor (Rev 1)* [2016] EWCA Civ 404 it should not be regarded as harmful either to openness of the Green Belt or to the purposes of including land in the Green Belt.

Conditions

13. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. A condition is required to ensure compliance with the approved plans as this provides certainty. A condition requiring details of the external materials to be submitted is necessary in order to protect the character and appearance of the area although it is more appropriate that the approval should occur before the development rises above ground level, rather than before any commences.

Conclusion

14. For the reasons set out above, although the proposal would not cause harm to the character and appearance of the host property or area and would therefore comply with parts (ii) and (iii) of Policy G4, it would conflict with part (i) and the policy is clear that all criteria should be met. However, the proposal would not be a disproportionate addition and would not be inappropriate development within the Green Belt or have a harmful effect on openness. It would not therefore conflict with the Framework.
15. Taking everything together, the conflict with the development plan that I have identified is outweighed by material considerations which indicate that a decision should be made other than in accordance with it. Having considered all other matters raised, I therefore conclude that the appeal should be allowed.

Richard Aston

INSPECTOR