
Appeal Decision

Site visit made on 12 June 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 29 June 2017

Appeal Ref: APP/G5180/D/17/3171391

Gordon House, Berrys Green Road, Berrys Green, Westerham TN16 3AH

- 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 Ankur Agrawal against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/04600/FULL6, dated 1 October 2016, was refused by notice dated 8 March 2017.
 - The development proposed is side and rear extensions with attached garage and roof alterations to support sustainability principles.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework and development plan policy;
 - The effect of the proposal on the openness of the Green Belt and purposes of including land within it;
 - The effect on the character and appearance of the host property and surrounding area; and
 - If the development is inappropriate, 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

3. The appeal property is a modest bungalow set in an extensive site. It is one of a number of residential plots extending along Berrys Green Road. The site is within the Green Belt.
4. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green

belt are inappropriate unless, amongst other things, they represent 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.

5. Policy G4 of the Borough of Bromley Unitary Development Plan 2006 (UDP) states that extensions or alterations to dwellinghouses in the Green Belt will only be allowed if the net increase in floor area over the original dwellinghouse is no more than 10%. The Council state that the proposal would constitute inappropriate development due to its size and bulk and refer to previous extensions built at the property¹.
6. The appellant has requested that the proportionality of the proposal be assessed against extensions and outbuildings that could be built under the permitted development rights of the property. I also note that a certificate of lawfulness for a proposed development² has been issued for extensions to the side and rear as well as a detached garage, although these have not been constructed. However, the Framework is clear that the proposal should be assessed against the 'original building'³ rather than subsequent or potential extensions.
7. From the evidence before me and my observations on site, it is clear that the proposal would lead to significant extensions to the dwelling. I also note that the dwelling has been extended previously and that the proposal would add to this. Overall, I conclude that the proposal would lead to disproportionate additions to the original building. It would therefore be inappropriate development which is, by definition, harmful to the Green Belt.
8. The proposal would therefore conflict with Policies G1 and G4 of the UDP which state, amongst other things, that development will be inappropriate unless it represents a limited extension and should not represent an increase in floorspace of more than 10% of the original dwellinghouse.

Openness and Green Belt Purposes

9. A 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 proposal would lead to significant extensions to what is currently a bungalow of limited scale and bulk. This would have a commensurate impact on the openness of the Green Belt.
10. I conclude that the proposal would not preserve the openness of the Green Belt and would have a moderate impact on the purpose of safeguarding the countryside from encroachment.

Character and Appearance

11. The existing dwelling is a bungalow of a simple design which has been extended a number of times. Whilst it does not have a cohesive design it has an understated character which is representative of dwellings in the immediate vicinity.

¹ Refs: 77/1849 & 96/1665/FUL

² Ref: 16/04202/PLUD

³ 'Original Building' is defined in the Glossary of the Framework as "A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally".

12. The proposed extensions would significantly alter the character of the bungalow, and would create a stark, angular building at odds with this countryside location and the relatively understated character of the original dwelling and its immediate neighbours to the north and south. The angular roof profile would include significant areas of blank wall and would be visible from the highway to the front of the site, albeit fleetingly. This incongruous appearance would be exacerbated due to the elevated position of the dwelling in relation to the road. I acknowledge that the increased ridge height would be lower than the neighbouring property to the south, but this would not overcome the harm arising due to the design and location of the proposal.
13. I have had regard to the scheme which the appellant states could be constructed without the need for planning permission. However, whilst that scheme may have a similar footprint to the appeal proposal, the effect of that scheme on the property in relation to the design and massing of the roof and extensions would not be as substantial as the proposal now before me. Furthermore, the 'permitted development' scheme would also appear to be more sympathetic to the design and scale of neighbouring properties, including 2-storey properties such as Woodpeckers.
14. Due to its design, scale and bulk, I conclude that the proposal would harm the character and appearance of the host property and the surrounding area. The proposal would therefore be contrary to policy BE1 of the UDP which states, amongst other things, that development should complement the scale, form and layout of adjacent buildings and areas. The proposal would also conflict with Policy G4 which states that extensions to dwellinghouses in the Green Belt will only be permitted if they do not harm the visual amenities of the locality and would not result in detrimental changes to the overall form, bulk or character of the original dwellinghouse. These policies are broadly consistent with the Framework in respect of requiring good design.

Other Considerations

15. I have had regard to the energy efficiency benefits of the proposal as specified in the Design and Access Statement. I also note the conclusions of the Energy Assessment provided by the appellant which identifies a saving of approximately 5.3 tonnes of CO₂ per year, which the Council accepts represents a reduction of approximately 56% over the identified baseline. I accept that certain elements of the sustainable design may contribute to the appearance of the proposal, such as clerestory windows contributing to passive solar heating. However, many of the measures proposed are not inherent to the appeal proposal as they relate to structural features such as loft and wall insulation and could be provided within a scheme which would not lead to the harm identified above. Therefore, I can only give the energy efficiency benefits arising from the proposal moderate weight.
16. I am mindful of the information provided by the appellant in relation to very special circumstances, including the accommodation requirements for his family. However, such personal circumstances would not clearly outweigh the harm to the Green Belt or any other harm so as to represent very special circumstances.
17. I have been referred to a number of planning decisions in the vicinity of the appeal site. However, I do not have full details of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a

direct parallel to the appeal proposal. In any case, I have determined the appeal on its own merits.

18. The appellant highlights that the Council's officers recommended that the application be granted planning permission. However, the Council is not bound to accept the recommendations of its officers and I have assessed the proposal on its planning merits. I have also noted the typing error in the officer's report which the Council has accepted was incorrect.

Overall Balance and Conclusion

19. The moderate weight from the potential benefits arising from the proposal would be far outweighed by the substantial weight that must be given to the harm arising from inappropriate development, harm to the openness of the Green Belt and the harm resulting from conflict with the purposes of including land in the Green Belt. Very special circumstances to justify the proposal do not therefore exist. The proposal would also harm the character and appearance of the host dwelling and the surrounding area.
20. For the reasons stated above, the proposal would conflict with Policies BE1, G1 and G4 of the UDP. The proposal would also conflict with Policy 7.16 of the London Plan and the Framework which state that inappropriate development should be refused, except in very special circumstances.
21. For the reasons given above, and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

David Cross

INSPECTOR