
Appeal Decision

Site visit made on 27 July 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 1 August 2017

Appeal Ref: APP/D5120/D/17/3177070

Avenue Lodge, 37 North Cray Road, Bexley DA5 3ND

- 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 Nigel Brown against the decision of the Council of the London Borough of Bexley.
 - The application Ref 17/00663/FUL, dated 20 March 2017, was refused by notice dated 15 May 2017.
 - The development proposed is conversion of detached garage to habitable room.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of detached garage to habitable room at Avenue Lodge, 37 North Cray Road, Bexley DA5 3ND in accordance with the terms of the application, Ref 17/00663/FUL, dated 20 March 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; 37NCR-01 P1; and 37NCR-02 P2.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Avenue Lodge, 37 North Cray Road.
 - 5) The development hereby permitted shall not be severed at any time from the curtilage of the dwelling known as Avenue Lodge, 37 North Cray Road.

Preliminary matters

2. I have taken the description of the proposed development from the Council's decision notice as this provides a more concise description than that provided on the application form.

Main issues

3. The main issues are:

- Whether or not the proposal is inappropriate development in the Green Belt;
- The effect of the proposal on the openness of the Green Belt; and
- If the proposal is inappropriate development, whether or not there are other considerations which, together, clearly outweigh the harm to the Green Belt, and any other harm, and which amount to very special circumstances which would be necessary to justify the proposal.

Reasons

Inappropriate development

4. The appeal site is located within the Metropolitan Green Belt and comprises a detached dwelling, known as Avenue Lodge, its garden and a detached garage building. Paragraph 90 of the National Planning Policy Framework (the Framework) sets out forms of development that are not inappropriate development within the Green Belt, provided they preserve the openness and do not conflict with the purposes of including land within the Green Belt. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction.
5. The proposal seeks to convert the garage building to a habitable room, which would include a living room and a toilet. The appellant sets out that its use would be ancillary to that of the main house.
6. From my observations, the garage building appears to be of a permanent and substantial construction. It would not be extended or significantly altered externally. In addition, it is currently used for storage and thus, the appellant already utilises the driveway for the parking of vehicles. Whilst the Council and other interested parties raise the concern that the converted garage building could be used as a separate dwelling, there is no indication on the plans that it would have its own curtilage. Furthermore, it would not be provided with some of the basic facilities that a separate dwelling would require, such as a kitchen. Moreover, suitably worded planning conditions, such as those suggested by the Council, could be imposed to ensure its use remains ancillary to that of Avenue Lodge into the future. As such, the proposal would not be tantamount to a new dwelling and it would be unlikely to generate any additional domestic paraphernalia. Nor am I persuaded that any displacement of storage, which is in any case domestic in scale, would have a harmful effect on the character of the Green Belt.
7. On the basis of these factors, the proposal would have no greater impact than the current situation on the openness of the Green Belt. Nor, in my view, would it conflict with the purposes of including land within it. Consequently, the proposal would comply with the listed exceptions as set out in Paragraph 90 of the Framework, in respect of the re-use of buildings. It would therefore not be inappropriate development within the Green Belt.
8. The proposal would also comply with saved Policy ENV4 of the Bexley Council Unitary Development Plan 2004; Policy CS17 of the Bexley Core Strategy

2012; and Policy 7.16 of The London Plan 2016. Together, these policies seek to protect the Green Belt from inappropriate development.

Openness

9. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. As set out above, I have found the development not to be inappropriate development in the Green Belt, including in respect of its effect on openness. Thus, it would not conflict with Paragraph 79 of the Framework.

Other matters

10. Avenue Lodge is designated as a Locally Listed Building. Given that the garage building would not be extended or significantly altered externally and that the driveway is already utilised for the parking of vehicles, I am satisfied that there would be no harmful effects on the setting of this building.

Conditions

11. I have had regard to the planning conditions suggested by the Council. I have amended some of these for clarity and conciseness. In addition to the statutory time limit condition, a condition specifying the relevant plans is necessary as this provides certainty. A condition relating to materials is necessary in the interests of character and appearance. A condition relating to the ancillary use of the building is necessary in the interests of the openness of the Green Belt. I also agree that a condition relating to curtilage is necessary for the same reason.

Conclusion

12. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have identified that the development would not be inappropriate development in the Green Belt and consequently no very special circumstances are necessary to justify a planning permission. Therefore, for the reasons set out above and having regard to all other matters, I conclude that the appeal should be allowed.

Alex Hutson

INSPECTOR