



Appeal Decision

Site visit made on 7 November 2017

by Sarah Colebourne MA, MRTPI

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

Decision date: 17th November 2017

Appeal Ref: APP/G5180/D/17/3181651

Endsleigh, Cudham Lane North, Cudham, Sevenoaks, TN14 7RB

- 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 Christopher Ellard against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/17/00860/FULL6, dated 22 February 2017, was refused by notice dated 22 June 2017.
 - The development proposed is described as '*Single storey rear extension to existing dwelling as an alternative to extension currently granted a prior approval under Council reference DC/16/00257/HHPA and involving the demolition and removal of all existing cattery buildings.*'
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension, single storey front and single storey front/side extensions at Endsleigh, Cudham Lane North, Cudham, Sevenoaks, TN14 7RB in accordance with the terms of the application, Ref DC/17/00860/FULL6, dated 22 February 2017, 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: 2849-16-PL003 P2, 2849-16-PL004 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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development within Schedule 2, Part 1, Classes A, B and E of the Order shall be carried out on the dwelling that is the subject of this appeal or within its curtilage.

Procedural matter

2. The Council's decision notice describes the proposals as '*Single storey rear extension, single storey front and single storey front/side extensions*' and as provides a more accurate description, I have considered the appeal on this basis.

Main Issues

3. The main issues in this case are: a) whether the proposed development would amount to inappropriate development in the Green Belt; b) its effect on the openness of the Green Belt and its purposes; c) its effect on the visual amenity of the Green Belt and d) if it is 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

Inappropriate development in the Green Belt?

4. The appeal site lies within the Green Belt. It comprises a detached bungalow and former cattery enclosures sited within a very large plot. Paragraph 89 of the National Planning Policy Framework ('the Framework') says that the construction of new buildings in the Green Belt is inappropriate other than for a number of exceptions. These 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. The development plan includes policy G1 in the Council's Unitary Development Plan (UDP) (2006) which lists limited extensions as an exception to inappropriate development in the Green Belt. UDP policy G4 says that extensions in the Green Belt will only be permitted if the net increase in the floor area over that of the original dwelling house is no more than 10%. Whilst the Framework does not define what percentage is unacceptable, the policies are broadly consistent with the Framework.
5. The site has permission for a cattery business which is no longer in operation. There is an existing single storey side extension for which permission was granted in 1989. Prior approval was granted in 2016 for a single storey rear extension which has not been built.
6. The proposed development comprises a single storey rear extension that would span the 20.7m width of the dwelling, extending to the rear by 8.95m and replacing all of the existing cattery enclosures, a lean-to and roof canopies together with small front/side extensions which would replace the existing roof canopies.
7. The proposal would undoubtedly increase the size of the original building substantially and it would amount to disproportionate additions over and above the size of the original building. I conclude then that it would amount to inappropriate development in the Green Belt, contrary in this respect to UDP policies G1 and G4 and to the Framework. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. I must attach substantial weight to this harm.

Openness of the Green Belt and its purposes

8. Paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and advises that one of the essential characteristics of the Green Belt is its openness. Paragraph 80 of the Framework sets out the five purposes of including land in the Green Belt. One of these is to assist in safeguarding the countryside from encroachment.

9. Although the proposed extensions would sit largely within the footprint of the existing cattery enclosures, lean-to and roof canopies which would be demolished, by reason of its additional height and volume and its partial siting on land which is currently free from development, the proposal would inevitably increase the built-up volume of the appeal site.
10. I conclude, therefore that this would reduce the openness of the Green Belt to a small degree and would be detrimental to one of the purposes of including land in the Green Belt. The proposal would be contrary in this respect to UDP policies G1 and G4 and to the Framework.

Visual amenity of the Green Belt

11. The appeal site lies within a semi-rural area with fields opposite, to the rear and to one side. To the other side is another detached dwelling within a large plot. The appeal dwelling is a bungalow of a wide, T-shaped plan form with a pitched roof and a gabled front projection. It is sited in a very large plot, set back from and well screened by boundary planting from Cudham Lane North. It is more clearly visible from a minor road to the side, Snag Lane, from where the extent of the cattery enclosures and the lean-to and roof canopy along the rear elevation can also be clearly seen. The cattery enclosures, by reason of their footprint covering an area greater than the width of the bungalow, poor quality materials and condition, detract significantly from the visual amenity of the Green Belt. This would be significantly improved by their removal as part of this proposal.
12. Although the proposed rear extension would be a considerable size, the existing building has a very wide plan form and a front projection of some depth which would help assimilate the scale of the new extensions into their context. The appearance of the building would be little changed on its front elevation as the front and side elevations would simply infill the areas below the existing roof canopy. When seen from either side, the rear extension would not appear unduly dominant given the depth of the existing front projection. From the rear, it would be seen against the backdrop of the existing building. It would have a large rectangular plan form with a large area of flat roof above. However, around the perimeter there would be a low hipped roof with a lower ridge height than that of the existing bungalow and the extensions would therefore appear sub-ordinate to the existing building.
13. I conclude that then that the proposed scheme would significantly enhance the visual amenity of the Green Belt and in this respect it would accord with UDP policies G1 and G4.

Other considerations

14. The prior approval would allow for a large rear extension, roughly two-thirds of size of the proposed rear extension. Although the Council says that the approved scheme overlaps with the cattery enclosures, the plans show that it overlaps only partly. It seems to me that the prior approval scheme could be implemented whilst retaining some of the cattery enclosures. As approval has already been obtained it is highly likely that the scheme would be implemented should this appeal fail. Whilst there would be little difference in terms of openness, this fallback position would be significantly more harmful in terms of its effect on the visual amenity of the Green Belt than the proposed scheme. This therefore carries significant weight in favour of the proposal.

15. It is likely that that the proposed scheme and wholly residential use of the site would result in a reduced number of vehicle movements to and from the site than would be the case if the lawful cattery use were resumed and this provides a moderate degree of additional weight in favour of the proposal and would accord with the Framework which seeks to encourage a sustainable pattern of development and reduce car journeys where possible.

Planning balance

16. I have found that the substantial harm caused by reason of inappropriateness and the small degree of harm to openness carries substantial weight against the proposal. UDP policy G1 accords with the Framework which advises that inappropriate development should not be approved except in very special circumstances. These will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this case, the considerable totality of benefits in terms of visual amenity arising from the removal of the cattery enclosures and to sustainability in terms of the reduction in vehicle movements from the wholly residential use of the site, together with the fallback position of the prior approval scheme amount to the very special circumstances necessary under UDP policy G1 and the Framework to justify the development in Green Belt terms.

Conditions

17. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the plans to provide certainty. A condition for matching external materials is necessary in the interests of visual amenity. The appellant has indicated that a condition to restrict some permitted development rights would be acceptable and this is necessary in the interests of the Green Belt given the very special circumstances of this case.

Conclusion

18. Whilst I have found some conflict with some parts of UDP policies G1 and G4, policy G1 allows for inappropriate development in very special circumstances. The appeal therefore accords with the development plan as a whole and there are no material considerations that justify determining the appeal otherwise. The appeal should be allowed.

Sarah Colebourne

Inspector