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## 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: 23<sup>rd</sup> November 2017**

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**Appeal Ref: APP/G5180/D/17/3181578**

**6 Cudham Park Road, Cudham, Sevenoaks, TN14 7RE**

- 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 J Hudson against the decision of the Council of the London Borough of Bromley.
  - The application Ref DC/17/01104/FULL6, dated 8 March 2017, was refused by notice dated 11 May 2017.
  - The development proposed is described as '*increase in ridge height to increase first floor area and front porch*'.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this case are:-
  - whether the proposed development would amount to inappropriate development in the Green Belt;
  - its effect on the openness of the Green Belt;
  - its effect on the character and appearance of the dwelling and the area;
  - its effect on the living conditions of neighbouring occupiers at nos 4 and 8 Cudham Park Road;
  - 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?*

3. The appeal site lies within the Green Belt. It comprises a detached chalet bungalow whose loft conversion and dormer windows were added some years ago to the original dwelling. 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 G4 in the Council's Unitary Development Plan (UDP) (2006) which 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 policy is broadly consistent with the Framework. Whilst the increase in the dwelling's footprint would be very minimal (the porch only) the increase in the floor area of the dwelling would amount to 77% (taking into account the proposed demolition of the rear garage). This is a large increase that would undoubtedly amount to a disproportionate addition over and above the size of the original building.

4. I conclude then that the proposed extension would amount to inappropriate development in the Green Belt, contrary to UDP policy 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*

5. 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. Although the proposed extension would sit largely within the existing footprint, by reason of its additional bulk, it would inevitably increase the built-up volume of the appeal site. This would reduce the openness of the Green Belt to a very small degree, contrary to policy G4 and to the Framework.

#### *Character and appearance*

6. The appeal dwelling is a modestly sized chalet bungalow with a hipped roof and white rendered walls. Cudham Park Road comprises a variety of dwelling styles and materials although most are bungalows or chalet bungalows. The appellants have referred to a number of dwellings which have had extensions but the Council maintains that these were built either some years ago prior to existing policies or more recently where the extensions were not considered disproportionate or where very special circumstances existed. The Council considers that the first floor extension over the porch area would result in a top heavy and overly bulky extension. I disagree – the proposed development is well-balanced in terms of its form, scale, proportions and details. It would not, therefore, result in harm to the character and appearance of the dwelling or the area and would accord with UDP policies BE1 and H8 which seek to ensure high standards of design. However, as the existing appearance of the dwelling, though unassuming, does not detract from the character and appearance of the area, this is a neutral factor that does not outweigh the harm I have identified.

#### *Living conditions*

7. The neighbouring dwellings at nos 4 and 8 Cudham Park Road each have habitable room windows in their side elevations facing towards the appeal dwelling. The proposed development would have a 'barn-hip' roof. There would be an increase in the ridge height of the dwelling by 1.5m. It would include the removal of the existing rear dormers.
8. No 4 is sited to the south of the appeal site on lower ground and has a first floor dormer window facing north-east, some 5.5m from the appeal dwelling,

according to the Council. Whilst it is likely therefore that some loss of outlook would result to the occupiers of that property, as the affected window is at first floor level and given the distance between the properties, I am not persuaded that it would cause significant harm to their living conditions.

9. Although no 8 is sited on higher ground it has three ground floor windows and rooflights in its side elevation facing no 6 some 3.6m away, according to the Council. This includes a bedroom window which is the sole window to that room and faces to the south west. Given the proximity and orientation, it is likely that there would be a significant loss of both outlook and light to the occupiers of no 8 in regard to the bedroom window, notwithstanding the increase in light to the kitchen and garden that the appellants suggest from the removal of the rear dormers. If a larger full width dormer were allowed under permitted development it would be at a lower height and at a greater distance from the bedroom window at no 8. I have no compelling evidence to show that it would be more harmful than the current proposal. I conclude then that on the basis of what I saw at my visit and because the plans do not show the relationship of the proposal to neighbouring windows, I cannot be satisfied that it would not cause significant harm to the living conditions of the neighbouring occupiers at no 8. It would, therefore be contrary to UDP policies BE1 and H8 which seek to ensure that development respects the amenity of neighbouring occupiers.

#### *Other considerations*

10. The proposed scheme would provide a more energy efficient and accessible home but as it is unlikely to be the only way in which to achieve such benefits, these matters carry limited weight in this case.
11. I have not been provided with measurements or drawings to indicate that the fallback position under permitted development rights suggested by the appellants of a porch, a single storey rear extension and a hip to gable loft conversion with rooflights is likely to be implemented or would be significantly more harmful in terms of the impact on the Green Belt or on the living conditions of neighbouring occupiers. I therefore give this limited weight.

#### **Conclusion**

12. The Framework 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. Despite my findings on character and appearance, the substantial harm caused by reason of inappropriateness and the very small degree of harm to openness together with the harm to the living conditions of the neighbouring occupiers carries substantial weight against the proposal. The other considerations when taken together do not amount to the very special circumstances necessary to justify the development in Green Belt terms. It would conflict with the development plan and the Framework as a whole and there are no other material considerations that warrant determining the appeal otherwise. The appeal should be dismissed.

*Sarah Colebourne*

Inspector