



Appeal Decision

Site visit made on 11 July 2019

by R J Maile BSc FRICS

an Inspector appointed by the Secretary of State

Decision date: 30 July 2019

Appeal Ref: APP/G5180/D/19/3228923

Kinross, North End Lane, Downe, Orpington, Kent, BR6 7HQ.

- 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 Bill Harris against the decision of the Council of the London Borough of Bromley.
 - The application ref: DC/19/00641/FULL6, dated 5 February 2019, was refused by notice dated 29 April 2019.
 - The development proposed is alterations and extensions to a detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - a) Whether the proposal would be inappropriate development within the Green Belt for the purposes of national policy and the policies of the Development Plan.
 - b) The effect of the development upon the openness of the Green Belt and the purposes of including land in it.
 - c) The impact of the development upon the character and appearance of the surrounding area.
 - d) If the proposal 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

- a) *Whether inappropriate development.*
3. Kinross comprises a detached bungalow, being sited at the northern extremity of a ribbon of dwellings fronting the east side of North End Lane. There is open countryside opposite and to the north of the property. The dwelling is located to the north of the village of Downe within largely open countryside that forms part of the designated Metropolitan Green Belt.

4. National policy at Chapter 13 (Protecting Green Belt land) of the Framework¹ states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (see paragraph 143). Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. There are certain exceptions, however, including 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 (paragraph 145 c)).
5. Policy 7.16 of The London Plan² requires that the strongest protection be given to London's Green Belt, in accordance with national guidance.
6. Policy 49 of the recently adopted Local Plan³ largely reflects national policy at paragraph 145 of the Framework. Policy 51 specifically relates to the extension or alteration of a dwelling within the Green Belt and states, amongst other matters, that extensions will only be permitted if the net increase in the floor area over that of the original dwellinghouse is no more than 10%.
7. The original dwelling had a floor area of approximately 107.97m². A previous extension has resulted in an increase in floor area of some 56% over that of the original, which is substantially in excess of the figure of 10% as set out in Policy 51 of the Local Plan.
8. For these reasons, I find upon the first main issue that the proposal would be inappropriate development within the Green Belt for the purposes of national policy and the policies of the Development Plan.

b) Effect upon openness of Green Belt.

9. The new ground floor extension would be located to the side of the bungalow and would replace a large conservatory with pitched and glazed roof. This, together with the previous extension, projects from the side of the bungalow by a maximum of 5m, although this is reduced to only 2.7m for much of its depth. By contrast, the scheme before me would project by 5m for its entire depth.
10. In addition to the single storey extension it is proposed to utilise the roof space to provide two bedrooms, each with an en suite bathroom.
11. Although the accommodation would be increased at both ground and first floor levels, the extended dwelling would be largely screened in views from North End Lane by mature trees and hedgerows, with only very limited glimpses of it through the pedestrian accessway from the road to the front door.
12. Given the replacement of the highly visible conservatory with its tall pitched and glazed roof, the proposed side extension would have little impact upon openness as viewed from the lane. Moreover, the extension to the main roof with its hipped end would likewise bring about only a modest increase to the overall bulk of the bungalow.
13. For these reasons I have found upon the second main issue that development as proposed would not have a harmful effect upon the openness of the Green

¹ The National Planning Policy Framework (February 2019).

² The London Plan: The Spatial Development Strategy for London - Consolidated with Alterations since 2011 (March 2016).

³ London Borough of Bromley Local Development Framework: Local Plan (January 2019).

Belt or the purposes of including land in it, as required by national policy at Chapter 13 of the Framework.

c) Impact upon character and appearance.

14. Kinross is located at the northern extremity of a ribbon of detached dwellings of varying designs. The property is sited upon a well-proportioned plot, such that the side extension and the alterations to rationalise the overall design of the roof would be appropriate to their setting. Furthermore, the design of the alterations is to a high standard and will result in a more cohesive appearance to the dwelling, particularly as viewed from North End Lane.
15. For these reasons, and subject to the use of matching materials, I have found upon the third main issue that development as proposed would not be harmful to the established character and appearance of the surrounding area.

d) Other considerations.

16. I noted that there is already a room within the roof void, which is served by a small rear-facing dormer window. As such, use of the roof space as habitable accommodation has already been established. Of particular relevance is the fall-back position available to the appellant should this appeal fail.
17. By notice dated 7 December 2018 the Council has confirmed that Prior Approval is not required for a single storey rear extension, extending beyond the original rear wall by 8m (ref: DC/18/04809/HHPA). A Certificate of Lawfulness has also been granted by the Council indicating that proposed roof alterations, including dormer windows and the provision of a large bedroom and en suite bathroom, would be lawful (ref: DC/18/04846/PLUD dated 20 December 2018).
18. It is also contended on behalf of the appellant that it would be possible to erect the 8m single storey rear extension and then seek to replace it with a building of the same design as that proposed by this appeal, citing paragraph 145 d) of the Framework.

Other Matters

19. My attention has been directed to an appeal decision relating to Dawn Corner, Viewlands Avenue, Westerham (ref: APP/G5180/D/17/3172088 dated 24 May 2017). In that case, the Inspector found that the proposal would not be a disproportionate addition and would not be inappropriate development within the Green Belt. In respect of the current appeal, and for the reasons already given, my finding upon this issue differs.
20. In the case of 10 Hazelwood Road, Cudham, Sevenoaks, the Council permitted the scheme, concluding that the proposal represented a proportionate extension when compared to that already accepted.
21. For these reasons, neither case is wholly comparable to the scheme before me.

Green Belt Balancing Exercise

22. I have found above that the proposal would be inappropriate development in the Green Belt. This, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances.

23. I have had regard to the fall-back position, together also with the other cases referred to in the grounds of appeal relating to nearby dwellings within the Green Belt that have been extended. In particular, the permitted development rights available to the appellant as set out above would give rise to an increase in floor area and volume in excess of that which would be occasioned by the scheme now before me, thereby resulting in a greater impact upon openness.
24. I am also impressed by the fact that the new roof would replace an existing unsatisfactory mix of flat and pitched roofs and that the resultant roof form would represent a much improved design and a more cohesive appearance to the dwelling as viewed from North End Lane.
25. Notwithstanding these comments, should I allow this appeal a situation would exist whereby the appellant could lawfully construct the 8m single storey rear extension and then proceed to erect the single storey extension proposed by this appeal, which would be located to the north flank of the existing dwelling. Were this to occur it would represent a substantial breach of both national and Development Plan policy in terms of the combined effect of the two structures upon the openness of the Green Belt. Such an eventuality cannot be guarded against by the imposition of a condition.
26. My concerns on this issue could be addressed were the appellant to enter into a binding section 106 Planning Obligation in which he would agree to forego his permitted development rights in respect of the 8m single storey rear extension in exchange for the grant of planning permission for the scheme the subject of this appeal. However, no such obligation is before me.
27. In these circumstances I have found that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

28. For the reasons given above, I conclude that the appeal should fail.

R. J. Maile

INSPECTOR