



Appeal Decision

Site visit made on 24 June 2019

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2019

Appeal Ref: APP/G5180/D/19/3227403

Fleur de Lys, 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 Ms M Price against the decision of the London Borough of Bromley Council.
 - The application Ref DC/18/05359/FULL6, dated 29 November 2018, was refused by notice dated 1 February 2019.
 - The proposed development is demolition of garage and outbuildings and erection of two storey side and rear extensions with front and rear dormers and porch to dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues of this appeal are,
 - whether the proposal would be inappropriate development in the Green Belt,
 - the effect of the proposal on the openness of the Green Belt; and
 - if the proposal would be 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 it.

Procedural Matter

3. The Council adopted the Bromley Local Plan 2019 (the Local Plan) on 16 January 2019, which supersedes the Bromley Unitary Development Plan 2006. Consequently, I have determined this appeal against the relevant conservation and design policies in the Local Plan and the revised National Planning Policy Framework 2019 (the Framework)

Reasons

4. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; their essential characteristics are openness and permanence.
5. The appeal property is a chalet style bungalow, located on a generous plot in the Green Belt within the rural area of Berrys Green. It is on a road fronted by

fields and farmland, interspersed on both sides by detached residential properties of varying size and appearance.

6. The proposal involves the removal of the existing rear extension, extending the dwelling to the side and rear, a new porch to the front and roof extensions and alterations including front and rear dormers.

Whether the proposal would be inappropriate development

7. Policy 51 of Local Plan states that proposals for extensions or alterations to dwelling houses in the Green Belt will only be permitted if the net increase in the floor area over that of the original is no more than 10%. The Framework states that the extension of an existing building is not inappropriate development in the Green Belt provided that it does not result in disproportionate additions, over and above the size of the original building. There is no definition of 'disproportionate additions' in the Framework but mathematical calculations as to the size of any additions relative to the original, as well as their visual relationship, are relevant factors to be considered when considering this matter.
8. The proposal involves the construction of single storey side and rear extensions with new front porch, roof extensions and alterations that includes 2 additional dormer windows to the front and 3 dormer windows to the rear. The development also proposes the demolition of a garage and outbuildings and the rear and one flank wall of the existing detached two storey house. The Council has calculated that, not including the outbuildings, this would increase the floorspace of the dwelling significantly more than 10% and this appears accurate from the evidence before me if the existing outbuildings are not included as part of the original dwelling.
9. An increase of the order of that proposed would significantly increase the size of the dwelling as a building, eroding its appearance as a modest chalet bungalow to the extent that it would be a disproportionate addition to the size of the original building.
10. The garage and outbuildings are incidental to the house itself, and do not form part of the original house for the purposes of considering whether the proposal would amount to disproportionate additions.
11. I find for the reasons set out above, the proposal would involve a disproportionate addition over and above that of the original dwelling. I therefore conclude that this proposal would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

The effect of the proposal on the openness of the Green Belt

12. Section 13 of the Framework makes it clear that an essential characteristic of Green Belts is their openness.
13. The proposed extensions would result in an inappropriate development, due to the proposal being a disproportionate addition over and above that of the original dwelling. It would add additional bulk to the existing property, thereby increasing its volume and physical presence as a structure when viewed within the context of the open fields and country road associated with this location.

14. Although the removal of the outbuildings could potentially provide for an increase in soft landscaping, this would not compensate for the additional bulk and scale of the proposed development, and the moderate harm that it would cause to the openness of the Green Belt.
15. Accordingly, the proposal would result in a loss of openness and, therefore, moderate harm to the openness of the Green Belt.

Other Considerations

16. It is common ground between the parties that the proposed extension would not cause harm to the character and appearance of the area. However, the main issue in dispute relates to whether the proposal would be inappropriate development in the Green Belt, the effect of the proposal on the openness of the Green Belt and if the proposal would be 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 it. Although I also find that the proposal, taking into account the removal of the garage and outbuildings would not cause harm to the character and appearance of the area, this is a point of limited weight in favour of the proposal in this Green Belt context.
17. The appellant has stated that their reasons for proposing to extend the property relating to their family need for additional space, however, this would not constitute a public benefit and I can therefore give this little weight for the purposes of my consideration of this appeal.
18. The appellant has drawn to my attention to how they have sought to make improvements to their development proposals, following an earlier refusal of planning permission¹ for extending the dwelling. However, in my determination of this appeal I have considered the proposal on its individual merits.

Whether there are Very Special Circumstances

19. Policy 51 of the Local Plan and Paragraph 143 of the Framework set out the general presumption against inappropriate development within the Green Belt. They state that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.
20. I have concluded that the proposal is inappropriate development that, by definition, would harm the Green Belt. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt. I have also found moderate harm to the openness of the Green Belt.
21. On the other hand, the other considerations I have already discussed are matters of very limited weight in favour of the development. As such, the other considerations would not clearly outweigh the totality of harm that I have identified and therefore the very special circumstances necessary to justify the proposal do not exist. Consequently, the appeal scheme would be in conflict with Policy 51 of the Local Plan and the Framework.

¹ Application Ref:18/01816/FULL6

Conclusion

22. For the reasons given above, the proposed development would not accord with the Local Plan and Framework there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Victor Callister

INSPECTOR