



Appeal Decision

Site visit made on 13 August 2019

by Rajeevan Satheesan BSc PGCert MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2019

Appeal Ref: APP/G5180/W/19/3228721

1 Hogspringville, Hockenden Lane, Swanley BR8 7QJ

- 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 Martin Atkinson against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/05509/FULL1, dated 11 December 2018, was refused by notice dated 30 January 2019.
 - The development proposed is described as “converting the existing house into two single dwellings. The conversion will create one larger dwelling (no. 1 Hogspringville) with three bedrooms, living room, kitchen diner, bathroom and ensuite, and a smaller dwelling (no. 1A Hogspringville) with two bedrooms, living room kitchen diner, bathroom and WC. A single-storey rear extension and dormer loft construction will be built to facilitate the conversion. The rear extension is 6m wide and extends 2.5m beyond the rear of the house. It will have a flat roof and walls will be clad in render to match the existing house. The dormer construction will be a continuation of the existing dormer terminating 0.3m from the existing flank wall of the house. It will be clad in tile hanging to match the existing dormer”.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal amounts to inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on highway safety; and
 - if the development is inappropriate development, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify the development.

Reasons

Whether inappropriate development

3. The appeal site comprises a semi-detached bungalow within an area of open countryside, with scattered buildings, situated within land designated as Green Belt.
4. National policy on Green Belt development is set out in Part 13 of the National Planning Policy Framework 2019 (Framework). Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Of particular relevance to this appeal is Paragraph 145 which states that the construction of new buildings is inappropriate development in the Green Belt subject to a number of exceptions.
5. One of these exceptions is for 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 (criterion c). This exception is also reiterated in Policy 49 of the London Borough of Bromley Local Plan, 2019 (LP), which is consistent with the Framework. Accordingly, I have assessed this appeal scheme based upon the Green Belt policies contained in the LP and the Framework.
6. The total floorspace of the original dwelling is approximately 76sq.m¹. However, the property has been previously extended with a single storey side extension. The existing single storey side extension combined with the proposed rear extension would have a floor area of approximately 62sq.m. The Council considers that this would represent an 81% increase in floorspace over and above the original dwelling. In addition, the property has also been previously extended with a rear dormer roof extension, which is approximately 32cu.m in volume. The proposed rear dormer extension would increase this volume further by approximately 22cu.m, which would result in an enlarged dormer of some 54cu.m¹.
7. As a result, not only would the footprint of the building be substantially increased, the volume of the roof would also be considerably larger. When comparing the original building to the one that would result if the proposal were to go ahead the outcome would clearly be disproportionate. Furthermore, the development would not satisfy any of the other exceptions in paragraphs 145 and 146 of the Framework, and Policy 49 of the LP. As such, I conclude that the development would be inappropriate development in the Green Belt. In reaching this conclusion, it is of note that paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt.

Effect on the openness of the Green Belt

10. Paragraph 133 of the Framework identifies that one of the essential characteristics of Green Belts are their openness and their permanence. The Courts have held that openness includes both visual and spatial dimensions.
11. Given that the property is set back from the lane and the proposed extensions would be at the rear of the existing house, I consider that the development would have a limited visual effect on the openness of the Green Belt. Furthermore, as the proposal would increase the bulk of the building, in spatial

¹ Measurements taken from the Council's appeal statement.

terms, the proposal would reduce openness of the site and hence this part of the green belt. I consider that the harm caused to the openness of the Green Belt would be a limited one.

Character and appearance

12. The property is set back from the lane and the proposed extensions would be at the rear of the existing house. The scale of the proposal would change the character of the dwelling, but this would not adversely affect the appearance of the immediately surrounding area. Additionally, whilst the conversion of the property into two dwellings would result in an intensification in the use of the site, I do not consider that this in itself would be harmful to the character and appearance of the area. In this respect, I conclude that the proposal would comply with Policies 4 and 37 of the LP. Amongst other things, these require new developments to achieve a high standard of design and layout whilst enhancing the quality of the local places. However, the absence of harm is not a positive factor in the scheme's favour.

Highway safety

13. Hockenden Lane is a narrow carriageway with high hedgerows. This combined with the bends in the road close to the site means that the sightlines in both directions onto this lane from the appeal site are restricted. The proposed conversion of the property into two dwellings would result in an intensification in the use of the site, with an increase in the use of the existing access driveway.
14. The proposed site plans propose five off-street parking spaces which accords with the minimum parking requirements of Policy 30 of the LP. The Council's Highways Officers has raised concerns that sightlines outside the site on Hockenden Lane are limited and therefore consider that evidence should be submitted to demonstrate that vehicles can turn around within the site to exit in a forward gear. I also share these concerns.
15. No evidence has been submitted to demonstrate how vehicles would be able to turn around within the site to exit in a forward gear. This may be a particular problem when all five vehicles are parked in the proposed parking spaces, limiting the area within the site to manoeuvre. Whilst I acknowledge that this is not a heavily used road, I consider that this is an unacceptable risk to the safety of road users.
16. In the absence of clear information to demonstrate that vehicles could turn within the site and leave safely in forward gear, I cannot conclude that the proposal would not be harmful to matters of highway safety taking into account Policy 32 of the LP, which states that the Council will consider the potential impact of any development on road safety and will ensure that it is not significantly adversely affected.

Other considerations

17. The Council does not raise any objection with regards to harm to the living conditions of neighbouring occupiers in terms of loss of light, outlook, privacy, and noise and disturbance. I find no reason to disagree with this assessment. I have also found no harm would result to the character and appearance of the area. These aforementioned matters are of neutral consequence in the overall planning balance.

18. The appellant contends that the proposal offers an opportunity to enhance landscaping in the locality and would provide much needed rural housing. However, enhancements in landscaping could be achieved in ways other than the construction of large and disproportionate extensions. Whilst there would be some modest social and economic benefits associated with the proposal, the provision of one additional dwelling would make little difference to the overall supply of housing in area. I also give these additional benefits limited weight as it appears to me that these benefits would be likely to be no greater than if the additional dwelling were to be constructed elsewhere, outside the Green Belt.

Planning balance and conclusion

19. I have found that the development would amount to inappropriate development in the Green Belt. This is a matter to which I afford substantial weight. In addition, I have found that limited harm would be caused to the openness of the Green Belt and that there is potential that the proposed development would result in highway safety issues at the entrance to the site. Weighed against these adverse findings is the fact that the proposed development would not harm the character and appearance of the area. However, that is a matter of neutral consequence in the overall planning balance. In addition, the adverse impacts needs to be weighed against the identified other considerations, noting that there would not be significant benefits.
20. In conclusion, the substantial weight to be given to Green Belt harm, and the other identified harm arising from the development, is not clearly outweighed by the other identified considerations sufficient to demonstrate very special circumstances. Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Rajeevan Satheesan

INSPECTOR