



Appeal Decision

Site visit made on 17 September 2019

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 7 October 2019

Appeal Ref: APP/G5180/D/19/3232752

4 Gate Farm Cottages, Cudham Lane South, Cudham, Sevenoaks TN14 7QE

- 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 Stedman against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/02066/FULL6, dated 9 May 2019, was refused by notice dated 4 July 2019.
 - The development proposed is described as a ground floor side and rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The above description of the proposal was elaborated upon by the Council, who refused permission for a 'ground floor rear extension with light lantern, side canopy and elevational alterations'.

Main Issue

3. The property lies within the designated Metropolitan Green Belt, and accordingly the principal issues for consideration are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework ('the Framework') and any relevant development plan policies;
 - The effect of the proposed development on the openness of the Green Belt;
 - Whether any other harm would result; and
 - Whether, if it is inappropriate development in the Green Belt, any harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations. If so would this amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate

4. The National Planning Policy Framework ('the Framework') provides that extensions of buildings are not inappropriate development in the Green Belt provided that disproportionate additions over and above the size of the original buildings do not result. This requirement to avoid disproportionate extensions

is given local effect by Policy 51 of the 2019 Bromley Local Plan, which provides that extensions to dwellings will only be permitted in the Green Belt where the net increase in the floor area over the original dwelling is not more than 10%.

5. Here, a rear extension presently exists although its date of construction is not identified. Although the 'original dwelling' is therefore not ascertained, the parties agree that the proposed extension would result in a greater than 10% increase in the floor area over the original dwelling. From the plans, it appears to exceed 10% over the existing dwelling, which may be different. Guided by the local policy position, I consider that the proposed extension would result in a disproportionate addition and is thus inappropriate development in the Green Belt. I attribute substantial weight to this harm by reason of inappropriateness.

Effect on openness

6. The proposed extension would be to the rear of the dwelling, where the house is separated from its southern neighbour by a substantial hedgerow, and visibility from the road is also extremely limited. Nevertheless, although the extension would not be readily visible, it would still be there, and constructed partly on what is currently an undeveloped garden area. By virtue of its presence, it would spatially affect the openness of the Green Belt. Although the harm would be limited, it nevertheless attracts substantial weight.

Other harm

7. Although the Council identify harm to the visual amenity of the Green Belt, I consider that the harm to the Green Belt is limited to the harm by reason of inappropriateness and the harm to openness. The proposed development would not result in additional harm. It is respectful of the character and appearance of the host building and would not adversely affect the living conditions of any nearby neighbours. Thus I find that no additional harm would arise as a result of the proposal.

Other considerations

8. The appellant points out that the existing dwelling has a habitable floor area of 56 sqm which is very small by today's standards. Nonetheless I have not been referred to any relevant standards concerning the size of dwellings which might enable me to conclude that the existing dwelling is unacceptably small. The neighbouring houses have had substantial extensions, but I have no details as to the policy position or the circumstances prevailing when those extensions were constructed. Consequently, I am unable to conclude that these considerations are sufficient to outweigh the harm to the Green Belt, or therefore that very special circumstances exist to justify the proposal.

Conclusion

9. For the above reasons I find that the proposed development would conflict with the development plan for the area, and there are no very special circumstances that would otherwise justify the proposal. Therefore, the appeal is dismissed.

Laura Renaudon

INSPECTOR