



Appeal Decision

Site visit made on 21 October 2019 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2019

Appeal Ref: APP/G5180/D/19/3234836

1 Downe Avenue, Cudham, Sevenoaks TN14 7QX

- 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 K. Cloud against the decision of the London Borough of Bromley.
 - The application Ref DC/19/01349/FULL6, dated 13 March 2019, was refused by notice dated 16 May 2019.
 - The development proposed is the erection of single storey side and rear extensions to existing dwelling incorporating the demolition of existing garage/store and provision of outbuilding to provide home office/gym.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether the development would be inappropriate development

4. The appeal site comprises an unoccupied detached bungalow, a small garage and a coal shed within a large corner plot situated on the bend of Downe Avenue, to the west of the junction with Spinney Way and Hazelwood Road. There are mature trees and overgrown verges along the front and northern
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boundaries as well as a distinctively tall tree in the eastern corner of the plot, adjacent to the neighbouring property at 2 Hazelwood Road.

5. Paragraph 145 of the NPPF states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One exception is 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. Policy 51 of the London Borough of Bromley Local Plan (the 'local plan') is broadly consistent with the NPPF in that it says that extensions and alterations to a dwellinghouse in the Green Belt will only be permitted if the net increase in the floor area over that of the original dwellinghouse is no more than 10%.
6. The proposal would comprise a single storey side extension spanning the full length of the dwelling and wrapping around the rear to link up with the proposed rear extension. The existing roof form will therefore be extended, along the same ridgeline, over the side extension, and two slightly lower pitched roofs will be formed to the rear, as well as a central flat roof area. A new open porch is also proposed to the northern side elevation. Additionally, the existing garage is proposed to be demolished and a dual pitched roof outbuilding erected in the north eastern corner of the site. The proposed outbuilding would provide an office and gym.
7. The Council states that the proposal would result in an increase of approximately 126% from the original dwelling as it would result in a total external floor area of 249.3sqm comprising the proposed extension and outbuilding. The appellant agrees with the Council in terms of the floor area of the existing development on site but calculates the floorspace of the extended dwelling to total 185m² plus the outbuilding of 40m². Using either set of figures, the proposed development would be substantially in excess of the 10% limit on additional floor area under Policy 51.
8. There is no defined way of assessing and measuring proportionality, but the NPPF refers to 'size'. This can, in my view, refer to volume, height, external dimensions, footprint, floorspace or visual perception. In this case, the increase in floor area as well as the greater width and depth of the resulting dwelling and volume of the proposed roof form, would result in a considerably greater visual bulk. Therefore, I find that the scale of the extensions would subsume the original dwelling and would be disproportionate. I therefore find the proposal would be inappropriate development in the Green Belt.

Openness

9. Openness is identified in the NPPF as one of the Green Belt's essential characteristics. The increase in volume as a result of the extensions, and the erection of a large outbuilding on a previously undeveloped part of the garden would have an adverse effect on the openness of the Green Belt in a spatial sense. Furthermore, despite the boundary screening, the existing dwelling is readily visible from the road and as such the extensions would result in a greater visual impact on the openness of the Green Belt when seen from Downe Avenue. The spatial and visual impact on openness would result in moderate harm to the Green Belt. Substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. I therefore need to balance the other considerations against the totality of that harm.

Other considerations

10. The appellant refers to the existence of permitted development rights confirmed by virtue of the certificate of lawfulness (ref. DC/18/01520/PLUD) and prior approval (ref 17/03061/HHPA) for the erection of single storey flat roof rear and side extensions, the conversion of loft space incorporating hip to gable additions, rear dormer and front rooflights and the provision of a single storey outbuilding. It is argued that the proposed development would result in a significant material reduction in floor area when compared to the Permitted Development schemes approved. The appellant also argues that the proposal would appear more aesthetically pleasing than what has been approved.
11. Although I acknowledge that the proposed development would have a smaller floor area, the extension of the existing roof to the side would result in an increase in the width of the roof, by around 5m, which would be significant. Two rear pitched roofs would also be introduced, which would add volume at this level. Notwithstanding the fact that the flat roofs of the fallback scheme may not be as aesthetically pleasing as the hipped roofs of the proposal, overall the proposal would have a substantially greater roof volume and visual bulk compared to the approved single storey flat roof scheme and this limits the weight that can be attributed to the fallback position.
12. Also, any possible change from hip to gable of the existing dwelling would still have a lesser bulk than that proposed, and the removal of future permitted development rights would not mitigate the harm from the proposal.

Planning Balance and Overall Conclusion

13. I consider that the development causes harm to the Green Belt by way of its inappropriateness and to its openness, and substantial weight should be given to these harms. The other considerations advanced in support of the scheme do not clearly outweigh the substantial harm to the Green Belt. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
14. I conclude that the development conflicts with Paragraph 145(c) of the NPPF, policy 51 of the local plan, and policy 7.16 of the London Plan which together aim to protect the Green Belt from inappropriate development.

Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR