



Appeal Decision

Site visit made on 14 January 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 4 February 2020

Appeal Ref: APP/G5180/D/19/3238465

Fairfield, Gorse Road, Orpington BR5 4EX

- 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 and Mrs R Allan against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/02274/FULL6, dated 13 May 2019, was refused by notice dated 13 August 2019.
 - The development proposed is extensions and alterations to existing dwelling including partial demolition of existing rear extensions and detached garage (within 5 metres of house) provision of single storey front porch extension, a part first floor, part single storey rear extension, a first floor side extension and rebuilding existing garage linking it to the house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) Whether the proposed development would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (Framework);
 - b) The effect of the proposed development on the openness of the Green Belt; and,
 - c) If it is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposed development.

Reasons

Whether inappropriate development in the Green Belt

3. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

4. The Framework states that the construction of new buildings should be regarded as inappropriate development in the Green Belt, subject to a number of exceptions, 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 building¹.
5. Policy 49 of the London Borough of Bromley Local Development Framework Local Plan adopted January 2019 (LP), states that, within the Green Belt, permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. It goes on to confirm that the construction of new buildings within the Green Belt will be inappropriate unless it is for the purpose of, amongst other things, an extension or alteration of a building that it does not result in disproportionate additions over and above the size of the original building. In these respects, the LP is fully consistent with the Framework.
6. Policy 51 of the LP provides clarity on extensions or alterations to dwellinghouses in the Green Belt, stating that they will only be permitted if they meet three criteria. Firstly, that the net increase in the floor area over that of the original dwellinghouse is no more than 10%, as ascertained by external measurement; secondly, that their size, siting, materials and design do not harm visual amenities or the open or rural character of the locality; and thirdly, that the development does not result in a significant detrimental change in the overall form, bulk or character of the original dwellinghouse.
7. The appeal building is located on the north eastern side of, and set back from, Gorse Road. It is a detached, two storey property within a generous plot. Extensions and alterations to the original dwelling and a detached, single storey, double garage were granted permission in the late 1990s². The garage lies in close proximity to the north of Fairfield. A large residential annex is located nearby to the south east of Fairfield with permission for use as ancillary accommodation linked to the main house³.
8. The appeal proposal aims to reconfigure the ground and first floor to provide improved and more functional accommodation for the appellants in conjunction with the relocation of the existing garage for better security and weather protection.
9. The proposed extensions and alterations would significantly exceed the permitted 10% increase under Policy 51 of the LP. On this basis, and it is not disputed between the parties, the proposed development would result in disproportionate additions over and above the size of the original building, and would therefore constitute inappropriate development in the Green Belt.
10. Accordingly, I conclude that the proposed development would be inappropriate development in the Green Belt, having regard to relevant development plan policies and the Framework. As such, it would conflict with Policies 49 and 51 of the LP and Paragraph 145 of the Framework referred to above.

¹ Paragraph 145 of the National Planning Policy Framework.

² Ref: 99/00865/FULL1 and Ref: 99/02160/VAR.

³ Ref: 00/00656/FULL2.

Openness of the Green Belt

11. Openness is an essential characteristic of the Green Belt that has visual as well as spatial aspects. The appeal site is located within an undulating pastoral landscape which is punctuated by individual houses and farmsteads, wooded areas, tree belts and hedge lines. As a whole, the surrounding area has considerable openness.
12. The appeal site sits on an upward slope of the land which rises up towards the south east. This causes the appeal building to be a prominent feature on the landscape. Conifer trees provide some screening at the rear and the north western side of the appeal building. Nevertheless, the front, south eastern elevation, the first floor of the north western elevation and the existing garage are generally exposed and visible in the landscape.
13. The existing trees would mitigate the impact of the proposed development on the visual openness of the Green Belt to some degree. However, given the topography of the land, the prominent position of the appeal site within the landscape and the generally exposed nature of the appeal building, combined with the substantial size, scale and massing of the proposed extensions and linked garage, the proposed development would be readily visible when travelling along Gorse Road and in the wider landscape. This would have a harmful impact on the visual openness of the Green Belt.
14. In addition, the proposed development would result in the introduction of additional built form, mainly at first floor level, into space where currently there is none. In this respect, it would harmfully reduce the spatial openness of the Green Belt.
15. Therefore, I conclude that the proposed development would not preserve, and would have a significantly harmful effect on, the openness of the Green Belt. As such, it would conflict with Policies 49 and 51 of the LP and the provisions within the Framework which aim to protect the openness of the Green Belt.

Other considerations

16. The appellants have made reference to an extant Lawful Development Certificate (LDC) that was granted on 18 December 2018, and which would result in approximately the same total floor area as the appeal proposal.
17. The appellants assert that the proposed development represents a more acceptable and practical alternative, which would utilise a high quality of design that would better preserve the existing building's architectural detailing and integrity as well as its character within the surrounding landscape, whilst achieving a similar increase in floor area that is required to meet their needs. Furthermore, they contend that the permitted development fallback position of the works granted as part of the LDC is a consideration which equates to very special circumstances that justifies the proposed development within the Green Belt.
18. I acknowledge that, in comparison to the works granted under the LDC, the alternative design of the proposed development would be 1m² less in total floor area, would reduce the spread of built form across the site, would be of a higher quality in terms of design in relation to the existing dwelling and would provide enhanced accommodation that would meet the appellants' practical needs.

19. However, no substantive evidence has been provided to persuade me that the appellants would genuinely pursue this fallback option if the appeal failed. Moreover, in my opinion, the harm that would be caused to the essential characteristic of the openness of the Green Belt, due to the works granted under the LDC, would not be as substantial as the harm that would be caused by the totality of the size, scale and massing of the proposed extensions and alterations along with the relocated linked garage which are before me now. Consequently, I give the permitted development fallback position of the extant LDC moderate weight.
20. The appellants have highlighted that the replacement of the existing garage with a building in the same use and not materially larger than the one it replaces, in itself, would not constitute inappropriate development in the Green Belt as outlined in the Framework⁴ and Policy 49 of the LP. I appreciate that, if considered on its own, this may be the case. Nevertheless, I have to determine the scheme before me on its planning merits as a whole and the totality of its potential impact on the Green Belt. Therefore, I can only give this limited weight.
21. I note that there were no objections to the proposed development by local residents or groups and no technical objections were raised by any professional consultees, such as highways. Furthermore, I am aware that it was considered that the proposed development would not detract from the appearance of the existing dwelling or have a detrimental impact on the street scene and would cause no harm to the living conditions of the occupiers of any neighbouring properties. However, the absence of harm in these respects weighs neutrally and does not amount to a consideration in support of the appeal.

Other Matters

22. I have noted that there are inconsistencies on the drawings that were submitted with the application relating to the access onto the balcony⁵. It is imperative that plans are accurate to avoid uncertainty about what is proposed. Notwithstanding this, I have been able to reach a judgement on the proposed development and, as I am dismissing the appeal, I have not taken this matter any further.

Conclusion

23. In summary, I have found that the proposed development would be inappropriate development in the Green Belt. I have also found that it would not preserve, and would have a significantly harmful effect on, the openness of the Green Belt. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
24. Having regard to the other considerations cited in support of the proposal, particularly the extant LDC, I consider that, either individually or collectively, they do not clearly outweigh the substantial weight which must be given to Green Belt harm and any other harm, and so are not sufficient to amount to the very special circumstances required to justify the proposed development.

⁴ Paragraph 145 of the National Planning Policy Framework.

⁵ Drawings Ref: 3183-19-PL001 Rev P6 and Ref: 3183-19-PL003 Rev P5.

25. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR