



Appeal Decision

Site visit made on 4 February 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2020

Appeal Ref: APP/G5180/D/19/3241076

Elmwood, Single Street, Berrys Green, Westerham TN16 3AB

- 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 Bamford against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/03063/FULL6, dated 15 July 2019, was refused by notice dated 7 October 2019.
 - The development proposed is the demolition of existing conservatory and construction of a single storey rear extension with rooflights, formation of a flat roof over existing rear extension, replacement front porch and elevational alterations.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Part E of the appeal form states that the description of development has not changed from the application form but, nevertheless, a different wording has been entered. This revised wording is reflected in the decision notice of the Council and given its use by both parties I have used the revised description in the banner heading above, as it more succinctly and accurately describes the proposal.
3. The evidence indicates that Elmwood is a replacement dwelling built in place of an earlier property which occupied the site. For the purposes of my consideration of this appeal the 'original building' is taken to be the replacement dwelling itself, as originally built, and it is this which should form the baseline against which subsequent extensions and alterations should be measured.

Main Issues

4. The main issues are:
 - i. whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - ii. the effect of the proposal on the openness of the Green Belt;
 - iii. if the proposal is 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 the development.

Reasons

5. The proposal seeks to replace the existing conservatory and front porch as well as make minor alterations to the front and rear fenestration at Elmwood, which is a detached residential property set within the Green Belt at Berrys Green.

Whether inappropriate development

6. The Framework at paragraph 145 establishes that the construction of new buildings within the Green Belt should be regarded as inappropriate. One exception to this 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.
7. Policies 49 and 51 of the Bromley Local Plan (2019) (BLP) respectively relate to the general protection of the Green Belt and extensions or alterations to dwellinghouses within it. Policy 49 is broadly related to the advice on Green Belts within the Framework, while one of the requirements of Policy 51, (which provides guidance on the permissible size of extensions to dwellings within the Green Belt) is that extensions will only be permitted if the net increase in the floor area over that of the original dwellinghouse is no more than 10%, as ascertained by external measurement. The policy also states that proposals to extend replacement dwellings will not normally be permitted. As such both policies have broad conformity with the Framework and are attributed significant weight.
8. The evidence only contains details of the floor plans as existing and as proposed and does not contain any plans of the original dwelling. However, it indicates that the dwelling has been enlarged through several extensions and alterations since it originally gained planning approval, including single storey rear extensions, a conservatory as well as a raising of the ridgeline with provision of dormer windows to the roof slope.
9. Therefore, on the basis of the information before me, I find it likely that there has been a net increase to the floor area of the dwellinghouse significantly in excess of 10% of the original. Indeed, the appellant appears to concede within the evidence that the property has already exceeded the maximum allowable development permitted. Overall, it is clear that the size of the original building has been significantly increased. As a result, the further extensions when considered cumulatively with those previous, would form disproportionate additions over and above the size of the original building. The development is therefore inappropriate development within the Green Belt under the terms of paragraph 145 of the Framework and would also contravene Policies 49 and 51 of the BLP.

Openness of the Green Belt

10. A 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. The assessment of openness requires a consideration of both spatial and visual aspects.

11. The porch would be significantly increased in both height and width while the rear extension would be both wider and deeper than the existing conservatory. As the dwelling is set back from Single Street, the views of the porch would be relatively limited and there would be no view of the rear extension from the highway. However, a public footpath runs immediately adjacent to the north west boundary of the property and from this it is likely that the enlarged structures could be partially viewed.
12. Consequently, there would be a harmful loss of openness of the Green Belt. While the loss would be small in the context of the Green Belt as a whole, the Framework is clear that substantial weight should be given to any harm to the Green Belt. Policies 49 and 51 of the BLP also seek to maintain the openness of the Green Belt and in this respect, they are broadly consistent with the Framework. The development therefore conflicts with these policies.

Other considerations

13. It is clear that significant extension has already taken place to the original building. However, I have no evidence relating to the circumstances of previous planning approvals and I do not consider that these justify the appeal. Reference is made to a previous planning appeal, in which it is suggested that an improvement to the appearance of the dwelling was a key matter. I do not consider that the proposals would significantly improve the character and appearance of the dwelling which is currently in keeping with the mixed palette of dwellings evident in the immediate area. Further, only very limited details are supplied and I cannot afford this matter significant weight.
14. I note that the proposal has been found acceptable in design terms (including the alterations proposed to the fenestration) and that no harm to the living conditions of adjoining occupiers or to the setting of the adjacent listed building has been identified. From the evidence before me I have no reason to disagree. Such an absence of harm would be a neutral factor.

Conclusion

15. I have found that the development is inappropriate development within the Green Belt and is harmful to Green Belt openness. It therefore should not be approved except in very special circumstances. I must attach substantial weight to the harm to the Green Belt and as such, the harm I have identified is clearly not outweighed by the other considerations. Consequently, the very special circumstances necessary to justify the development do not exist.
16. For the reasons set out above, and having regard to all other matters, the appeal should be dismissed.

T J Burnham

INSPECTOR