
Appeal Decision

Site visit made on 10 March 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 April 2020

Appeal Ref: APP/G5180/W/19/3242503

Ruxley Cottage, Maidstone Road, Sidcup DA14 5BG

- 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 Mrs Yvette Mills against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/02925/FULL1, dated 24 April 2019, was refused by notice dated 27 August 2019.
 - The development proposed is a new build Bungalow with rooms in the mansard roof.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The existing Ruxley Cottage (the Cottage) provides residential accommodation and also a number of guest house units. The precise internal relationship between the two uses is ambiguous, but it is clear that the building is neither in sole residential nor guest house use. The appeal is for an additional dwelling. It is unclear from the evidence before me if the current occupants of the Cottage would either entirely or partially re-locate to the proposed dwelling. It is also unclear if the residential accommodation within the Cottage is truly independent of the guest house facilities and if it could therefore ever be occupied by persons other than those either owning or running the guest house. I deal with these ambiguities as relevant throughout the decision.

Main Issue

3. The main issue is whether the development would be inappropriate development in the Green Belt, and, if so, 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 it.

Reasons

4. It is proposed to demolish three outbuildings ancillary to the Cottage and to replace them with a 2-storey, 5-bedroom dwelling. This would be on land to the rear and side of the Cottage, utilising a shared access onto Maidstone Road. The dwelling would also share the existing courtyard and garden areas.
5. The appellant has stated that the proposal would not conflict with any of the five purposes of the Green Belt, as set out in Paragraph 134 of the National

Planning Policy Framework (the Framework). However, the Framework also sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence. The Framework confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'.

6. The construction of new buildings should be regarded as inappropriate in the Green Belt other than in respect to a limited range of specified exceptions, as set out in Paragraphs 145 and 146 of the Framework.
7. One exception is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The proposal would have significantly greater volume than the combined volume of the existing buildings, and would also have a larger footprint than the combined footprint of the existing buildings. It would therefore clearly be materially larger. That the proposed footprint would not stretch as far rearwards as the existing buildings does not mitigate for the proposed material increase in volume and footprint. Therefore, irrespective of whether the replacement building would be in the same use class as the existing buildings, this exception is not met.
8. A further exception is the limited infilling or the partial or complete redevelopment of previously developed land (PDL), as long as the proposal does not have a greater impact on the openness of the Green Belt than the existing development. The proposal would result in a substantial increase in the amount of built form on the site. There would be an obvious and clear increase in height, footprint and volume of built form in comparison to the existing buildings. The site is set on a rise in the land and is visible from the surroundings, such as the adjacent roundabout and Maidstone Road. That the building would be smaller than the Cottage and the neighbouring Ruxley House does not mitigate for this. The proposal would therefore have a greater impact on the spatial and visual openness of the Green Belt. Consequently, irrespective of whether the land is PDL or not, this exception is not met.
9. I have found no other reason why the appeal scheme would meet any of the wider exception criteria in either Paragraphs 145 or 146 of the Framework. Accordingly, the proposal would amount to inappropriate development in the Green Belt. The proposal therefore fails to comply with the Framework, and also with the relevant parts of Policy 49 of the Bromley Local Plan 2019. Amongst other things, these policies resist inappropriate development in the Green Belt unless other considerations clearly outweigh any potential harm.

Other considerations

10. It is common ground between the appellant and the Council that all other factors are acceptable and that the proposal would not cause any non-Green Belt harm. I agree with this assessment.
11. The proposed dormer bungalow would be of adequate design quality and appearance. The proposed siting does not relate well to the Cottage, because it would be set back from the front building line of the Cottage and would create a pinch point where the corner of the two buildings would be nearest. Nevertheless, the proposal would replace three outbuildings of poor quality and

haphazard layout, and it would be of higher design quality than the existing buildings. The proposal would therefore modestly enhance the character and appearance of the site and the wider area. This is a matter which weighs in favour of the appeal.

12. It is not clear if the proposal would result in a net additional residential unit given the ambiguity of the potential re-use of the existing residential accommodation within the Cottage. However, either way the proposal would provide short-term economic benefits from construction, and potentially long-term economic benefits from the use of local services, if either the number of permanent residents were to increase, or by providing the potential for the Cottage to provide more guest accommodation. Nonetheless, any such benefits would be relatively modest in the overall planning balance.
13. The appellant has highlighted a number of other factors, as follows, but these are essentially of neutral consequence in decision making terms: the existing access could be used; there would be adequate parking; trees would still be visible above the proposed property, albeit to a lesser extent; only a small part of the overall plot would be developed; the building would be along an existing linear line of development; and, the property would meet sustainability standards.

Other Matter

14. The appellant has highlighted that the neighbouring property, Ruxley House, has been extended. However, this was permitted in 1993 under a different Development Plan and was for different works to the appeal proposal. It does not, therefore, alter or outweigh my overall conclusion below.

Planning Balance and Conclusion

15. Paragraph 144 of the Framework directs me to give the harm to the Green Belt by inappropriateness and loss of openness that I have identified substantial weight in decision making terms. I conclude that the harm by reason of inappropriateness is not clearly outweighed by other considerations so as to amount to the 'very special circumstances' necessary to justify the proposed development. Consequently, the appeal should be dismissed.

O S Woodward

INSPECTOR