The Planning Inspectorate

Appeal Decision

Site visit made on 17 February 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2020

Appeal Ref: APP/G5180/D/19/3241394
Kinbury, Norsted Lane, Pratts Bottom, Kent BR6 7PQ

- 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 & Mrs Kenneth Sexton against the decision of the Council of the London Borough of Bromley.
- The application Ref DC/19/03596/FULL6, dated 19 August 2019, was refused by notice dated 29 October 2019.
- The development proposed is demolition of existing car port and alteration and extensions.

Decision

1. The appeal is dismissed.

Procedural Matter

2. There is a discrepancy between the postcode on the application form and the appeal form. From my site visit it appears that the postcode on the appeal form is the correct one and I have therefore used this in the banner heading.

Main Issues

3. The main issues 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 policy;
   - The effect on the openness of the Green Belt, and;
   - If the proposal is inappropriate, 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 proposal.

Reasons

4. Kinbury is a detached chalet bungalow, with the first floor provided within the roof space. The appeal property sits in a closely spaced ribbon of residential development that extends predominantly along one side of Norsted Lane leading away from the small settlement of Pratts Bottom. Dwellings are set back from the road frontage and face towards open countryside. The appeal proposal is to construct a rear roof extension and includes the demolition of a car port to the side of the property. The appeal site is within Green Belt.

Whether the proposal would be inappropriate

5. The Framework establishes that new buildings within the Green Belt are inappropriate subject to a number of specified exceptions. This includes 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 49 of the London Borough of Bromley Local Plan adopted January 2019 (Local Plan) is similarly worded and is consistent with the Framework's approach.

6. Policy 51 of the Local Plan states that extensions and alterations to dwelling houses in the Green Belt will only be permitted if the net floor area over that of the original dwelling house is no more than 10%, measured externally. The text to the policy confirms that 'original dwelling' in the context of Policy 51 follows the definition in the Framework; that is, a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

7. The Council state that the original property had a floor area of 68 sqm and now has a current floor space of 190 sqm. This represents an increase of 180% over the original floor area. The car port to be removed has a floor space of 23.4 sqm and the proposed extension would create an additional 42 sqm therefore the proposal would represent a 205% increase in floor area, well in excess of the 10% permitted by Policy 51. The appellant does not dispute these figures.

8. The appellant argues that in volume terms the extension is slightly less than the car port proposed to be removed. Be that as it may, this does not address the issue of the size of the original dwelling house and the cumulative impact of extensions over the years. Furthermore Policy 51 concerns floor area and I find no compelling reason to disregard this as a method of assessing alterations to the property.

9. Therefore, based on the evidence, the appeal scheme would result in disproportionate additions over and above the size of the original building in accordance with the criteria in the development plan. For this reason, the proposal would be inappropriate development in the Green Belt and would conflict with Policy 51 of the Local Plan and the Framework.

Openness

10. The extension would change the shape of the rear of the roof removing the hipped pitched roof, extending the form of the current rear and side dormers to create a flat roofed structure at a greater height than the carport. At my site visit I observed that the side of the roof extension would be visible from Norsted Lane when approaching the site in either direction. It would also be visible from the adjacent properties. Whilst the removal of the car port would provide some space around the building, the visual effects of the development at a higher level would result in a small loss of openness to the Green Belt in this location.

Other considerations

11. Although not a reason for refusal the Council raised concern over the character and appearance of the extension in their officer's report. I have similar concerns but as this issue is not determinative in this case, I am not taking it any further.

12. My attention has been drawn to a number of decisions. In particular, approved schemes at Winrose Cottage and Woodhill on Norsted Lane. The development at Woodhill was a replacement dwelling and the relevant policy context for the consideration of such development is different. I recognise that there are some features of the extension to Winrose Cottage that are comparable with those of the appeal site. However, in contrast to the appeal proposal, I note that the overall appearance of the development in that case was considered to enhance the appearance of the existing dwelling and this fact was given weight in the planning balance. In this respect the consideration of Winrose Cottage development was different to the appeal proposal and I therefore give the decision at Winrose Cottage limited weight.

13. With regard to the appeal decision at Dawn Corner, in contrast to the appeal proposal, I note that the Inspector places significant emphasis on a previous and very similar approved extension within the roof space and the acceptability of the design of the extension in coming to a decision. I therefore give this previous decision limited weight.

14. I recognise that a building as defined in section 336 of the Town and Country Planning Act 1990 includes part of a building, and I understand the approach proposed by the agent in terms of the application of paragraph 145(d) of the Framework. However, I have concluded that the extension would be a disproportionate addition to the dwelling which would conflict with paragraph 145(c) of the Framework which I cannot disregard. I therefore give this matter limited weight.

15. I note the reference to the Bromley Supplementary Planning Guidance No 1 Design Principles and No 2 Residential Design Guidance. The Council did not rely on these documents as a basis for the determination of the application. These documents are planning guidance and do not outweigh the policy in the adopted development plan. Further, I do not consider that these documents provide support for the design of the proposed development.

Green Belt balance

16. I have found that the proposal would be inappropriate development in the Green Belt. It would also result in a small loss of openness of the Green Belt. Any harm to Green Belt attracts substantial weight.

17. The harm by reason of inappropriateness, and any other harm, is not clearly outweighed by the other considerations set out above. Therefore, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

18. For the reasons set out above, the appeal is dismissed.

Diane Cragg

INSPECTOR